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Under Household Government

SEX AND FAMILY IN PURITAN MASSACHUSETTS

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To my family:
Mom, Dad, and Beth
Mary, Walter, and Aunt Annie
and especially Adam
who have all shown me generously
time and again
the importance of family in a pinch

Contents

	List of Figures	ix
	Words, Words, Words	xi
	Introduction	1
1.	Daniel Gookin's Household	13
2.	Contrary to the Laws of God and This Jurisdiction	51
3.	Lawful Remedies, Diabolical Erections, and an Unwanted Suitor	73
4.	The Rape of Elizabeth Pierce	110
5.	A Family of Allies	142
6.	Two Missing Infants	178
7.	Traitors, Rebels, and Slaves	209
	Conclusion	241
	A Peek behind the Scenes	249
	Notes	253
	Acknowledgments	299
	Index	303

Figures

1. Partial Genealogy Showing Relationship between Brackett, Eliot, and Danforth Families 43
2. Overview of Connections between Families Involved in Pierce/Simonds Case 119
3. Pierce Family Connections 120
4. Wyman Family Connections 120
5. Walker Family Connections 121
6. Reed Family Connections 121
7. Knight Family Connections 122
8. Bacon Family Connections 122
9. Johnson Family Connections 123
10. Simonds Family Connections 123
11. Genealogical Connections through Hannah French, Part 1 186
12. Genealogical Connections through Hannah French, Part 2 187
13. Genealogical Connections through Stephen French 188
14. Connections between Francis Wyman and Deponents in Joanna Negro's Case 231
15. Connections between the Carter Family and Deponents in Joanna Negro's Case 231

Words, Words, Words

Throughout this book, I frequently refer to "larger commonwealths" and to "Authority." Readers may find these terms frustratingly vague. Is the "larger commonwealth" the colony of Massachusetts, the American colonies, the English Empire as a whole? Is "Authority" the king, the governor, the town selectmen, all of the above? The answer is not so simple. Modern Americans are used to thinking of multiple types and sources of authority. We perceive that a minister who counsels civil disobedience and a policeman who attempts to disperse a protest meeting represent different, and competing, sources of authority. The concept that governors of individual states might disagree with the president of the United States as a whole and even seek to undermine his agenda seems normal to us, as recent debates over whether states should accept federal money earmarked for specific purposes aptly demonstrates. We are used to thinking of "authority" as splintered. Indeed, the right to choose between competing sources of authority is, for many Americans, considered our birthright. This is not the way in which seventeenth-century New Englanders thought about "Authority."

Throughout the records examined here, seventeenth-century Puritans regularly appealed to an unqualified "Authority." Defendants often spoke of being brought before "Authority." Petitioners might admit that they were justly condemned by "Authority." Others might appeal to or claim to submit to "Authority" without further qualification. Modern readers might well ask "whose authority?" but the question itself is a marker of the difference between seventeenth-century and modern Americans. We tend to think of authority as something vested in and exercised by particular people or bodies. Our authorities make judgments based on what

they think is the best course of action. We cede power to authorities, presumably, because we trust in their judgment, but we do not conceive of authority itself as an independent entity. To some extent, seventeenth-century New Englanders thought in similar ways. Most offices in Puritan New England were elected, and ordinary men and women recognized that those *in authority* were not infallible. One difference between modern Americans and those who lived three or four hundred years ago is that our ancestors did perceive Authority as something independent of those who exercised it. Ultimately, Authority came from God. It flowed from the deity to the king to governors, ministers, town officials, and, ultimately, to heads of household. Any of the earthly vessels of authority might be imperfect. Most Englishmen, after all, had rejected the theory of monarchical divine right. The possibility that those *in authority* might err, however, in no way diminished the legitimacy of Authority itself.

In 1645, when John Winthrop, governor of Massachusetts, was publicly accused of misusing the authority vested in him, he used the opportunity provided by his public acquittal to clarify the basis of magisterial authority. While he admitted that magistrates were fallible men, he argued that that fallibility in no way undermined their authority. Once elected to office, Winthrop argued, "we have our authority from God, in way of an ordinance." This relationship between governors and those they governed, Winthrop believed, might be more intelligible if bolstered by examples that most of his hearers would be both familiar with and unlikely to question. Winthrop explained that authority accrued to magistrates once they were elected, in the same way that husbands gained authority over their wives once their wives chose them as husbands. The nature of that authority was also discernible in the relationship between Christ and his church [as described on pages 317–19 in Mary Beth Norton's *Founding Mothers and Fathers: Gendered Power and the Forming of American Society* (New York: Alfred A. Knopf, 1996)]. Authority itself joined God to king to governor to household head in an integrated understanding of legitimate power. As we will see later in this book, household heads often—and, presumably, uncomfortably—found themselves in conflict with other *sources* of authority. Authority in its abstract form, however, was always just and never completely embodied. When I refer to Authority (with a capital *A*),

I do so in the same sense that seventeenth-century New Englanders used that term.

In keeping with my attempt to present seventeenth-century people in their own terms, I have been careful to avoid words that might imply a sentimentality out of place in seventeenth-century Massachusetts. I have, for example, shied away from terms such as "romantic" to describe relationships and have generally referred to those engaging in sexual relationships as "partners" rather than "lovers." The word "love" appears in places few and far between. I do not mean to imply by these omissions that those engaging in nonmarital sexual behavior necessarily lacked affection one for another. There is abundant evidence of loving marital relationships in seventeenth-century Massachusetts. Just so there is evidence of abuse, disdain, and outright hatred between husbands and wives. No doubt the same range of emotions existed among those engaging in sexual behavior outside marriage. In most of the cases discussed here, the documents are much more forthcoming about physical acts than they are about feelings. Where evidence is lacking, I have tried to avoid attributing emotions to my subjects.

I have also attempted to avoid making moral judgments. The subjects of my study are long past caring what I think of their behavior, and I have no reason to believe that my readers would be any more interested. I have in the interest of brevity, however, adopted some words that might be construed as pejorative. I have used the term "bastard" to describe a child born to a woman who was never married to that child's father. The term appears regularly in seventeenth-century documents and allows me to avoid awkward constructions. I have sometimes used the word "illegitimate" as a variant to describe a child who was born a "bastard." I have also used the term "illicit," which rarely appears in seventeenth-century Massachusetts court documents. By "illicit" I mean words or actions that transgressed community values. In many cases "illicit" behavior overlapped with illegal behavior, but this was not always the case. Communities, or persons who lived near one another and shared salient characteristics, were not homogeneous—as, we will see, Abraham Arrington's "seditious" words so aptly demonstrate. What was illicit to one person was not so to all. I have done my best to determine what sorts of behavior were generally considered to violate community standards,

and have struggled to ensure that these judgments are those of seventeenth-century New Englanders rather than my own.

Finally, I have changed a few things about the words my subjects wrote. Seventeenth-century men and women did two things that made their words particularly difficult for modern men and women to read. They often used a thorn, which closely resembles a modern *y,* to denote the letters *th,* and they frequently used the letters *u* and *v* interchangeably. I have silently changed *u*'s and *v*'s to correspond to modern spelling and have changed thorns to *th*. Thorns most commonly occur as parts of abbreviations. "Ye" for "the," and "yt" for "that," are the most common, but "ya" for "they," "ym" for "them," and even "yms" for "themselves" are not unusual. Since "tha" looks no more like "they" than does "ya"; and "tht" is only slightly less confusing than "yt" when "that" is intended, I have spelled out all abbreviations containing a thorn. In the few cases in which my writers used *i* for *j* and vice versa, I have silently revised the spelling to conform to modern usage. I have also brought all superscripts down to the main line of text. In those cases in which words in the original documents were crossed out, I have silently omitted them, unless the stricken words are both legible and potentially relevant. When reading quoted material, readers should be aware that before the mid-eighteenth century, new calendar years began on March 25 rather than January 1. In my discussions of individual cases, however, I have rendered dates in the modern style. Otherwise, I have allowed the erratic spelling, capitalization, and punctuation of my seventeenth-century writers to stand. Where I suspect readers unfamiliar with seventeenth-century documents might need help, I have included in brackets my own interpretation of the writer's intent.

The man was not Born of *Mankind,* whose Family has no *Blemishes* akin unto it. Even so, If in a *Family* of many *Children,* there should be some *Ungodly* One to *Blemish* it, this is a Thing whereof I may say, *'Tis Nothing but what is common to man.*

—Cotton Mather, 1695

Introduction

This is a story about families and family life in late seventeenth-century Massachusetts. In many ways the families look quite familiar. They squabbled. Parents worried about their children. Teenagers got pregnant. Husbands became jealous of their wives. In other ways, the families seem quite foreign. Many households contained black slaves as well as white servants held in various degrees of bondage. Families were large, and people recognized degrees of kinship that might seem meaningless today. One's sister's husband's brother's wife could easily be referred to as "sister." Marriage, rather than age, was the portal to adulthood. Seventeenth-century families have been described as "little commonwealths," as workshops, as groupings tied by blood, marriage, and the bonds of affection. They were all these things. But the families in these stories were bound together by something else as well. Each of them struggled with members who stood accused of sexual misbehavior. And so, this is also a story about sex. The people we will meet along the way will describe behavior they found suspicious or illicit. A few will reveal why they chose to engage in activities that authorities defined as both sinful and illegal. Some even left clues suggesting how they felt about sexual intercourse itself.

More important, the ways in which the families responded when one of their members became involved in a sexual crime will tell us a great deal about the inner workings of family life in Puritan Massachusetts. Sexual crime provides a good window into family life in late seventeenth-century Massachusetts for several reasons. First, there was simply quite a lot of it. Minor sexual offenses, such as fornication, are one of the most common types of criminal offense recorded in the county court dockets in the late seventeenth century. This book, which covers the period 1660 to 1700, grew out of more than five hundred cases located in the Suffolk and Middlesex County Court records and the records of the Court of Assistants (after 1692, the Superior Court of Judicature). Seventeenth-century authorities recognized a relatively wide variety of both consensual and nonconsensual sexual crimes. The most common crimes were consensual. These included fornication, or sex with an unmarried woman; premarital fornication, or sex between two unmarried persons who later wed; and adultery, or sex between a married woman and a man other than her husband. Same-sex intercourse, or "sodomy," fell into this category as well, although there were no prosecutions for sodomy in Massachusetts between 1660 and 1700. "Lascivious carriage" and its synonyms, including "uncivil" or "disorderly" carriage, denoted lewd behavior that stopped short of actual intercourse but which, left unchecked, might be expected to lead to fornication or adultery. Nonconsensual sexual crimes included behaviors that look a lot like modern stalking, attempted rape, and rape itself. A few other types of cases have merited inclusion because, although the crimes were not primarily sexual in nature, they did include sexual components. Neonatal infanticide, or the murder of a newborn, for instance, was most commonly practiced by unwed mothers. Slander and divorce cases often turned on sexual matters as well.

An exploration of sexual crime also brings us into a wide variety of households. Whereas some crimes were more prevalent among the rich or the poor, free or unfree, large numbers of people of all stations found themselves accused of sexual misbehavior. By the 1660s, New Englanders had begun to import significant numbers of black slaves from Africa and the Caribbean. Slaves and servants both were disproportionately likely to end up in court charged with sexual crimes, which provides an

opportunity to explore the lives and family relationships of these all-too-often overlooked members of New England society. Finally, because sexual intercourse had the potential to be procreative, sexual misbehavior presented special challenges to the families of those involved. While crimes such as simple assault, theft, or slander might be resolved quickly through fines or corporal punishment, sexual crime often resulted in babies who had to be incorporated into family structures. Indeed, many young women who bore bastards described their sexual activities specifically as sins against their families.

"The Puritan family" is, of course, far from unexplored territory. Beginning in 1944 with Edmund Morgan's pathbreaking book, *The Puritan Family,* the study of early New England families exploded in the 1970s. Morgan's work, based primarily on sermon literature and court records, described Puritan family life as generally hierarchical and yet characterized by affection and family loyalty. Indeed, Morgan has argued that family affections were so intense that they produced a resolutely insular "tribalism" that ultimately undermined the original evangelical ideals of the founders.[1] In the 1970s, historians like John Demos and Philip Greven built on Morgan's work and examined the Puritan family using the tools of psychology and demography. Their foundational work both showed us what seventeenth-century New England families looked like and examined the effects of parenting practices, such as "will breaking," on the emotional development of Puritan children.[2] In the 1980s historians began to focus more squarely on women's history. Laurel Ulrich, for instance, examined the multifaceted roles of "goodwives" and helped to break historians out of the stereotypical depiction of women as victims, typified in studies like Lyle Koehler's 1980 *A Search for Power: The "Weaker Sex" in Seventeenth-Century New England.*[3] More recently historians have begun to focus on the importance of race and gender in early New England families in works such as Ann Marie Plane's *Colonial Intimacies* and Gloria Main's *Peoples of a Spacious Land.*[4]

My work has benefited greatly from this outpouring of scholarship but finds perhaps its greatest kinship with Edmund Morgan's *The Puritan Family.* Like Morgan, I too have found the Puritans to be an intensely "tribal" lot. But whereas Morgan has seen tribalism through the lens of

matters such as business dealings, marriage negotiations, and a narrowing focus on the spiritual welfare of children already within the Puritan fold, my focus has been on how families behaved in times of crisis. When confronted with children accused of sexual indiscretions, kin experiencing marital problems, or those accused of more serious crimes such as rape or infanticide, families closed ranks around their erring (or victimized) kinfolk with a fiercely single-minded devotion. Families negotiated hasty marriages for pregnant young women or appeared in court to testify on behalf of young men accused of fathering bastards. They posted bond and petitioned for clemency on behalf of their misbehaving kin. But there was a darker side to family loyalty as well. If most men and women giving their depositions told the truth as they saw it, albeit as interested parties, some alibied those they must have known or suspected were guilty. Others resorted to more extreme behaviors, such as deliberate slander, jury tampering, or intimidation, to achieve their ends.

Early American historians have long treated as gospel the idea that seventeenth-century New Englanders acted as their brothers' (and sisters') keepers. Ministers counseled their congregants over and over again to keep a watchful eye on their neighbors so that secret sin might not gain a foothold in the New Israel. Indeed, the file papers of the Massachusetts courts are filled with depositions in which those appearing before the courts told of remonstrating with erring men and women and provided evidence of their watchfulness by giving details of the illicit behavior they had observed. As historian Helena Wall put it in 1996: "There was no escaping neighbors in colonial America. They seemed to be there always, to go everywhere and know everything."[5] According to Wall, neighborly involvement in family affairs worked only too well. While it enforced community norms, it also bred festering tensions between neighbors and deprived families of the privacy they needed to establish strong bonds between parents and children, husbands and wives. Although Wall's study is the most narrowly focused on community involvement in family affairs, other recent works have confirmed the centrality of neighborly watchfulness in early New England. Richard Godbeer, in his 2002 *Sexual Revolution in Early America,* described community watchfulness in terms of a redemptive endeavor. Concentrating specifically on

the policing of sexual behavior, Godbeer has found that neighbors attempted to effect reformation in disorderly persons, and only when informal remonstrances failed did watchful neighbors turn malefactors over to the courts.[6]

Some members of the Puritan community probably did engage in sexual surveillance out of a sense of religious duty. There were even a few stereotypical nosy neighbors in Puritan New England. In 1669, one young widow crept up the stairs and peered under the garret door to see one of her fellow boarders lying atop his servant. Upon returning downstairs, she told a visitor to the boardinghouse about the "Evil Action" she had witnessed. The visitor recalled that the widow was "trembling" so badly that "she could hardly hold her Spining Wheel." The widow complained to her landlady, saying that "such evil Actions ought not to be suffered" and then reported her findings to a local magistrate. Perhaps the young widow was trying to ferret out sin, but since she claimed that she had initially thought her fellow boarder was lying with his wife, one has to wonder why she was peering under the door in the first place.[7] In most cases, neighbors did not need to lurk and spy. Communities were small in the seventeenth century, and houses were even smaller. Privacy was scarce and often suspect. Neighbors knew a lot about one another, and they depended on one another. They were often familiar enough with each other's possessions to identify stolen goods or livestock belonging to their neighbors, and, in the absence of any real equivalent to a modern police force, community surveillance was the primary deterrent to crime. It was in the interest of almost everyone to monitor behavior that could be a threat to the community and to maintain good relations with one's neighbors.[8] Of course, maintaining good relations with one's neighbors and repeating everything one knew about one's neighbors was not always the same thing.

Community surveillance was important in many aspects of New England life, but it was not central to policing sexual behavior. In many cases, neighbors may have known or suspected that fornication or even sexual abuse was going on but considered being on friendly terms with the men and women around them more important than exposing their sexual sins.[9] It is certainly true that New England's court records are

filled with depositions that document fornication, adultery, and a host of other sexual crimes. Historians have for decades used them as evidence of "holy watching," but what they have not done is to pay sufficient attention to who was doing the watching. I have investigated the genealogical background of defendant after defendant and have found that in most cases the people who appeared in court to testify were family members of those involved, or other interested parties, rather than random neighbors protecting the moral integrity of the community. Family members, not the community at large, provided the backbone of the sexual policing system, and their motivation was often less than moralistic, as they worked to prevent their children from conceiving or fathering unwanted babies (who would strain family economies) or tried to protect kinfolk from sexual aggressors.

Families not only tried to prevent indiscretions and protect their members, but actively competed with one another in what was, in many ways, a zero-sum system. Historians have long described Puritan families as "little commonwealths"; indeed, early modern political thinkers understood them in much the same way. Seventeenth-century religious and political thinkers on both sides of the Atlantic imagined "little commonwealths" to be the foundation and the building blocks of the larger commonwealth. Mary Beth Norton has argued, in her 1996 *Founding Mothers and Fathers,* that actual New England families and contemporary popular understandings of those families were in line with political theory to a considerable extent, at least in the first four decades of New England settlement. Remarkable power resided in the hands of fathers. New England colonial authorities both buttressed that authority and used it to make fathers magistrates in their own homes. Authority flowed from above, and order rose up from beneath, as courts and lawmakers affirmed the authority of male heads of household, and fathers used that authority to further the goals of the body politic.[10]

By the 1660s, when this story begins, families were still behaving like little commonwealths. Fathers retained the remarkable degree of power they had held earlier in the century, but they used that power, in conjunction with other family members, to further the interests of their own families rather than in cooperation with the larger authorities. Courts could be allies or adversaries; other families were usually the enemy.

When one family used the courts to have a man named the father of a pregnant daughter's bastard child, her partner's family marshaled their resources to counter that charge and convince the courts otherwise, often impugning witnesses and indulging in character assassination along the way. Even ostensibly criminal cases, which theoretically involved only the accused and the crown, often played out as contests between the family of the victim and that of the accused. The resemblance between families and commonwealths was never more striking than when families dealt with the sexual misbehavior of their own members. The police force was made up of the extended family. Court trials resembled nothing so much as international relations in which competing families negotiated with allies and sought to best the families of those sexually involved with their own sons or daughters and, sometimes, servants or slaves—usually by fair means but sometimes by foul.

The structure of court trials as contests between families calls into question the justness of Massachusetts Bay's judicial system. A few historians have interrogated court dockets, looking for inequities in the realms of gender and race. Historians Peter Hoffer and N. E. H. Hull noted in 1981 that black women were convicted of infanticide in numbers disproportionate to their representation in the population at large, although they also recognized that enslaved women may have had greater motivation to commit infanticide.[11] Writing six years later, Hull found that women, black males, and Indians "were not substantially disfavored by the courts' verdicts" in capital cases.[12] Robert Twombly and Robert Moore, in their 1967 article "Black Puritan: The Negro in Seventeenth-Century Massachusetts," concluded that seventeenth-century Massachusetts justice was remarkably color-blind, that Africans and African Americans enjoyed rights similar to white servants, and that sentencing showed no evidence of bigotry.[13] Although Twombly and Moore's article is forty years old, it is still cited as evidence in more recent works of scholarship, such as Ira Berlin's 1998 work *Many Thousands Gone*.[14] I suggest that if the system was unjust (and I believe that it was), the sources of its inequity were more complicated than a simple calculus of gender and race. If court trials played out as contests between families, what happened to those persons who stood outside the bounds of familial protection?

Theoretically, of course, there should have been no such persons. In Massachusetts Bay throughout the seventeenth century, all men and women were required to live "under household government." Servants and slaves were to be incorporated into the families in which they lived and worked. Generally speaking, one person's servant was another's son or daughter. But all of the laws and all of the ministers' pronouncements that servants should be treated as surrogate children could not transform servants into kinfolk, and not everyone's servant had living kin on the right side of the Atlantic. Economic motivations might impel families to defend erring slaves, but it was in the best interest of those same families to toss erring servants out into the cold. Nothing casts into sharper relief the importance of family networks or the blindness of the Massachusetts courts than the fate of men and, particularly, women who lived their lives without kinship networks. Sons and daughters who became embroiled in illicit sexual activities had people to go to bat for them. Families testified on their behalf, paid their fines, and begged the courts for mercy. Daughters tended to marry their sexual partners. Servants did not. Those without kinship networks faced the courts alone, and they were usually no match for the resources of the "little commonwealths" that stood arrayed against them.

It would be easy to interpret the behavior of the families depicted here as evidence of a substratum of people outside the Puritan mainstream—either too rebellious or too ignorant to subscribe to community standards and Christian teachings—but such was not the case. Although some individuals rejected all or part of the Puritan orthodoxy, most of those involved in criminal cases related to sex show every evidence of being steeped in religious teachings and conversant in legal precepts. As we will see, many of these people had so internalized legal and religious norms that they understood their own sexual experiences and those of their erring family members in light of statutes, sermons, and Bible stories. Their interpretations of legal and religious resources may at times have been self-serving, but their willingness to interpret scripture in ways that made sense in their own lives in no way distinguished them from those who managed to stay out of court. Indeed, one of the aspects of the Protestant Reformation that New England Puritans held most dear was the right and the responsibility to interpret scripture for them-

selves. Those who engaged in sexual misbehavior and those who attempted to hoodwink the courts to cover their kinfolk's crimes may have sinned, but they were no less Puritan for all that. After all, while not all Puritans were Saints, they themselves would have acknowledged that they were all sinners.

Nor were these families necessarily less patriarchal or more permissive than their neighbors. We might imagine that Puritan culture was somehow sexless and that "good" Puritan families kept their children from unnecessary contact with the opposite sex until they handed them off to prearranged spouses. Both ideas rely on old stereotypes and bear little resemblance to the mind-set of actual men and women living in Puritan New England. In order to understand why New England families acted as they did, we need to understand the place that sex held in their culture. Although chastity was a virtue that most lay and clerical New Englanders held dear, celibacy was not. Indeed, early modern thinkers generally held that long-term adult celibacy was not only unhealthy but, for most people, impossible. God in his wisdom had created human beings with a strong desire for intercourse so that the world might be populated. God in his mercy had created marriage so that sexual desire might be lawfully indulged. Ideally, sexual intercourse was a constructive, as well as pleasurable, act. As long as sex took place within the bounds of marriage it was supposed to bind spouses together and produce children. Basic sexual compatibility was a necessary, although certainly not sufficient, basis for marriage, which is why Massachusetts Bay barred men who could not perform the sex act from marrying. Indeed, sex was so bound up with marriage in the minds of early New Englanders that most seemed nearly incapable of talking about sex without coming back to the touchstone of marriage.

But if sex within marriage was ideally a constructive force, nonmarital sex had the power to be destructive, in large measure because it had the potential to disrupt the orderly formation of households and undermine parental authority. Although Massachusetts lawmakers attempted to contain the power of premarital sex by refusing to acknowledge marriages based solely on the consent of the parties involved and the initiation of intercourse (which would have been sufficient in England), parents found that despite the power to forbid marriages, vested in them by

Massachusetts authorities, the welfare of their own children was often best served by allowing those who had engaged in premarital sex to marry their partners. While patriarchs had the power to forbid their children to marry their sexual partners, most found that it was not a wise use of that power to do so.

Therein lay the rub. Patriarchy was alive and well in Puritan Massachusetts. Fathers, in conjunction with mothers, wielded a great deal of power. Under the law, fathers held nearly complete power over their dependents, short of life and death. Wives, while under the authority of their husbands, exercised similar authority over a household's other dependents. Parents had the authority to administer corporal punishment, complete control over the financial resources of their households, and the allegiance of legal authorities who would back up their commands if need be. They might send a child out to service or keep her at home. They might choose to apprentice a son or direct him to labor in the fields. They could command where a child went or did not go, and they could certainly forbid a courtship that they found undesirable. Had fathers and mothers chosen to severely restrict contact between their children and members of the opposite sex, they could have done so, and Puritan New England would doubtless have sheltered fewer bastard children and hastily married couples. In doing so, however, they would also have defeated their own goals. The goal of child rearing was to produce adults, and marriage was the marker of adulthood. Since a happy marriage required both parties to be personally and sexually appealing to one another, parents had to place a measure of trust in their own children, because they could not chose appropriate spouses for their children within those parameters.

In most cases, this relative freedom during courtship worked. Rates of bastardy and bridal pregnancy were low in seventeenth-century New England. Most sons and daughters chose their own spouses with the consent of their parents, sired or bore their first child at least nine months after marriage, and lived, if not always in connubial bliss, then at least in relative peace. But sometimes lust, poor judgment, or sexual predators prevailed. Parents did not have to clean up the messes their children made. Family members did not have to keep watch over nieces, nephews, and cousins. Families could have chosen to ostracize those who

went astray. Instead, they chose to defend their kinfolk and try to secure for them the best possible outcomes in both the courts and the marriage market. Their devotion to their own families often came at the cost of those who lacked strong family networks, but in times of crisis the welfare of family members was more important to them than abstract notions of justice or the communal good.

CHAPTER 1

Daniel Gookin's Household

Daniel Gookin governed a disorderly household. It was not the sort of problem his contemporaries would have expected him to have. In their worldview, unruly wives, children, servants or slaves pointed to a failed family government presided over by a weak or ungodly patriarch.[1] Daniel Gookin did not fit the bill. Indeed, Daniel Gookin was one of the most respected leaders in early Massachusetts. By the end of his life the "Captain Gookin" who had arrived in Massachusetts in the 1640s had become the "Worshipful Major General Gookin." As an Assistant, he claimed membership on the governor's council, performed the duties of a magistrate at the county court level, and sat as a judge on the colony's highest court. He was a respected church member and a strong advocate for New England's Christianized Indians in his role as Indian commissioner. Oliver Cromwell himself recognized the respect Daniel Gookin commanded in the colony when he charged Gookin with encouraging New Englanders to emigrate and populate the newly conquered colony of Jamaica in 1654.[2] Nevertheless, in the space of fifteen years, Daniel Gookin's dependants managed to drag his name through the courts over and again by fornicating, dancing and swearing, getting pregnant and impregnating

others. At times it must have seemed that only his wife knew how to behave. Indeed, it was Daniel Gookin's misfortune to preside over a household which almost perfectly illustrates the main themes of this book.

This chapter takes the reader through a series of four crises that unfolded in and around the Gookin household in Cambridge. The events were extraordinary, of course, but it is often in the fractures of daily life that the internal workings of a society can be seen most clearly. The first tale involves Daniel Gookin's slave, Daniel Warro, who was accused, first, of impregnating a slave in a neighboring household and, later, of taking part in a series of interracial revels all around the town of Cambridge. The reactions to Daniel Warro's escapades, which were primarily offences against various heads of household, help us to understand the relationship between family government and government in its more traditional sense. The second story takes us through the troubles of Daniel Warro's brother, Sylvannus, who impregnated a white servant living in the household where he worked. The fate of the baby born to Sylvannus Warro and Elizabeth Parker set off a contest which eventually pitted an impoverished grandfather against colony magistrates and local selectmen. The story illuminates relationships within families, as various participants struggled to defend the ones they believed were worth protecting. The third incident occurred when Hannah Stevenson accused Daniel Gookin's son, Samuel, of fathering her bastard child. This story brings us firmly into the realm of family and sexual policing, as competing families struggled to assign or escape the responsibilities of paternity. The tale also highlights the immense power held by patriarchs and explores the ways in which they used that power to shield some members of their households even as they discarded others. Finally, the story of Daniel Gookin's grandson, John Eliot, Jr., and his servant, Hannah Brackett, provides insight into the relationship between servants and the families in which they worked. Although Hannah Brackett, like the rest of the servants in this chapter, will prove to have been an expendable surrogate child, Hannah's own thoughts on her crime remind us that she had been a child of Daniel Gookin nonetheless.

Daniel Warro and Hagar

In June of 1669, Daniel Warro found himself cast in the role of the "reputed father" of a bastard child. Daniel had been born into slavery in the American colonies—probably in Maryland—where his master, Daniel Gookin, had lived for a short time in the 1640s.[3] When Hagar, a slave in the neighboring Manning family household, was found to be pregnant, local authorities required her to appear before magistrate Thomas Danforth and confess the name of the child's father. Although she admitted that she and Daniel Warro had once engaged in intercourse in a Cambridge alleyway, the encounter had taken place only two months before when she was, presumably, already pregnant. Her master's son, John Manning, on the other hand "had often had fellowship with her," she told the local magistrate, and was the only man who could have fathered the child she was then carrying. Hagar took the opportunity to protest her enslavement, telling Danforth that she was a married woman from Angola who had been "stolen away" from both her husband and her "child wch sucked on her breast."[4] There is no evidence that Danforth took any notice of Hagar's claim that she had been wrongfully enslaved, but he did summon John Manning before him and required him to post a bond guaranteeing that Manning would appear in court where he could expect to be charged with impregnating his father's slave.[5] If Daniel Warro really was the father of Hagar's child, he may well have breathed a sigh of relief.

At first glance, Thomas Danforth's actions seem bizarre. Surely, Hagar's master had no interest in seeing his own son charged with impregnating his slave. Indeed, he probably had little interest in seeing anyone charged with paternity. Although the law regarding the inheritability of slavery would remain vague until it was revised the following year, Hagar's master very likely anticipated owning Hagar's child as his slave.[6] A master in Virginia might have protested such an unnecessary legal intervention into what he would have categorized as a domestic matter, but we will never know because no Virginia court ever attempted the like.[7] Because Hagar lived in Massachusetts, she had legal rights which slaves in Virginia lacked. In 1669, she could have brought a

complaint to court and neither her race nor her status would have affected her ability to testify against a white man.[8] But Hagar was unlikely to have had any interest in pursuing a lawsuit either. Although Hagar's pregnancy was proof of fornication, a crime which could not have been committed without two participants, only Hagar herself could expect to be charged. Because it was usually impossible to prove that a man had committed fornication unless he confessed, men were rarely charged with criminal fornication. They were commonly charged with paternity in civil suits (for which the burden of proof was lower) and required to help support their bastard children, but, since Hagar was a slave, child support would have been of little interest to her. Nor would the larger community have had a real interest in ensuring that the child's father contributed to its support and so kept it off of poor relief. Since the child was a slave, the Manning family would have been responsible for its support. On the surface, it would appear that the Cambridge authorities had initiated a frivolous suit which none of the people involved had any interest in pursuing.

The prosecution of John Manning and, eventually, Daniel Warro only makes sense in the context of seventeenth-century New England ideas about the relationship between household and public government. Early modern theorists on both sides of the Atlantic regularly described households as miniature churches and miniature states. The power of fathers and masters within their own households was roughly analogous to that of ministers, governors, and kings, and that power ultimately flowed from God Himself. Households and states were related by more than mere metaphor. Ministers and political theorists imagined individual families as the both the constituent parts of the larger state and as schools in which dependents might learn to become model subjects and congregants. The good order of political (and ecclesiastical) government rested directly on well-ruled households. As power flowed from God to the king to masters and fathers, the good order of well-ruled families provided the foundation for the stability of colonies and kingdoms. As Massachusetts minister Increase Mather put it, "ruine Families, and ruine all."[9] Although the idea that all types of government were intimately linked was pervasive throughout the English-speaking world, the idea had particular resonance in Puritan New England. Puritanism, after all,

was a reform movement which tended to focus on social stability and moral order. The relatively homogenous group of Puritans who immigrated to New England concentrated a great deal of attention on reforming marriage and family government, as we will see in later chapters. Although the goal of much of their reform focused on ensuring that newly formed families were stable and on strengthening the power of parents within their own households, they were also willing to intrude when a household head, like Hagar's master, was not doing his job.[10]

In the end, Daniel Warro, rather than John Manning, was named the reputed father of Hagar's child. Female neighbors gathered around Hagar as she gave birth. The purpose of their presence was two-fold. First, they had come to assist the midwife with Hagar's care during and after labor. Just as importantly, however, they were present as legal witnesses. Although Hagar had already named John Manning as the father of her child, she was expected to confirm her identification while at the height of her labor. The law gave great weight to the testimony of a woman in labor. Because lawmakers assumed that a woman in labor, and therefore in great pain and in danger of dying, would not lie, whomever that woman named during labor would become the reputed father of the child about to be born.[11] The Manning family was doubtlessly relieved when Hagar did at the "tyme of her travell cleare John manning" and declared "daniell the negroe" the father of her child.[12] Whether Daniel was, in fact, the baby's father we will never know. Hagar may have accused John Manning as a protest against the family who held her wrongfully in slavery. It seems just as likely, however, that the Manning family pressured their slave to recant her accusation and name the enslaved man with whom she had already admitted she had had sex.

Because the Middlesex County minute books from the 1660s were accidently destroyed in a 1670s fire, we cannot know how the courts punished Daniel Warro. What we do know from other documents, however, is at least as important. We know that Daniel Warro continued to live in Daniel Gookin's household. As we will see later in this chapter, masters usually expelled erring servants from their households, but continued to shelter and often even protect their slaves from the consequences of their actions. In most cases, the motive was probably financial. Slaves, after all, could not be turned out without significant financial loss. In Daniel

Warro's case, there may have been a personal attachment as well. Daniel Gookin owned Daniel Warro's entire family. Gookin would later testify in a case involving Daniel Warro's brother that he had developed an affection for the family after Warro's father had been baptized and then died in his service. Daniel Warro appears to have been far more troublesome than his father. The reason we can place him in the Gookin household after 1669 is that he made two more appearances in the Massachusetts court records.

Daniel Warro, along with his brother Sylvannus, was one of many dependents who appear to have been out of control in the winter of 1676–1677. College students, servants, slaves, sons, and daughters began making a practice of meeting together at night after their parents and masters were in bed asleep. The group regularly feasted, drank alcoholic beverages, danced, sang, and swore—often in the homes of the unsuspecting town folk of Cambridge. The drunken revels may have celebrated the end of King Philip's War. Philip himself had died in August, and the end of the war that had devastated so much of colonial New England doubtlessly brought a great sense of relief, even in those eastern areas that had not been directly attacked. Or perhaps the timing was coincidental, and the group was simply taking advantage of the shortening days, which sent their families to bed earlier. Whatever the case, the late-night gatherings were illegal on a number of levels. The partygoers were, of course, trespassing, and while alcohol itself was not against the law, drunkenness was. Dancing was both sinful and forbidden. Secular music and bawdy songs were, at the very least, frowned upon.

When the authorities discovered the parties, however, they chose to focus on one particular aspect of the crime: the violations of family government. The hosts of these gatherings—both witting and unwitting—were charged with "Enterteyeneing sundry young persons of both sexes other mens children & servts unseasonably in the nighttime." The participants were charged with night walking, company keeping, and "being from out of the house of their Parents and mrs [masters] at unseasonable times." Daniel Warro was apparently a particularly egregious offender. The records note that Warro had previously been convicted of a similar offense, and he was sentenced to be whipped. The rest of the group were admonished. Presumably, their parents and masters would

deal with them appropriately. The crimes with which they were charged were offenses against the state only indirectly. Entertaining a neighbor's dependent "unseasonably" was an offense one household head committed against another. Dependents who left their homes "unseasonably," of course, challenged the authority of their own parents and masters more directly. Given the relationship between household and public government, this was a sort of quasi-treason. The court's intervention was part of the hierarchical and reciprocal relationship in which Massachusetts authorities protected the power of heads of household to regulate their own members. Fathers and masters were expected to use that authority to provide familial—and, in the aggregate, social and political—stability. As we have seen in the case of the Manning family, the courts were willing to intervene directly in a household they thought was poorly governed, but they preferred instead to buttress the authority of household heads to govern their own families.

At least one of the heads of household involved in the affair did not appreciate the attempt to shore up his authority—and was unwise enough to say so in public. Abraham Arrington's two daughters were among the revelers, and Arrington himself had been the unwitting host of one of the illegal gatherings. When the noise from the party taking place in his house awoke him, Arrington "called to them to be gon" and threatened to call a constable. Arrington may not have been willing to host the illegal gatherings, but neither did he support the local authorities' attempt to break them up. Shortly after Thomas Danforth put an end to the revels, Arrington expressed his opinion of the entire affair in a neighbor's shop, telling whoever would listen that "it was a pityful thing that a young man & a mayd could not be together but such reports must come of it, and he did beleive err long the young men must pass by the mayds like quakers & take no notice of them least they should themselves be taken notice of." Worse yet, the older man remarked that many of the young men involved had recently returned home from fighting in King Philip's War, and that if the young men elsewhere had been treated in such a way "they would go nigh to burne the Towne over their Eares that should so serve them." When the words came to the attention of the county court, Arrington found himself convicted of uttering "seditious" words and "breaking down the pals of governt."[13]

The charge of uttering "seditious" words only makes sense when we remember Arrington's place in the Massachusetts government. It is unlikely that any of the young partygoers would have faced such a charge had they been so unwise as to have voiced the same complaint, despite the fact that Arrington and the young partygoers had, in truth, committed the same type of offense. Each rebelled against those who stood directly above them in the colony's government. Arrington, unlike the younger offenders, however, was part of the colony's government, and his crime was more serious because he implicitly repudiated that role. His words signified that he was unwilling to govern his household according to the mores of the larger colonial government. Daniel Warro violated the domestic government headed by Daniel Gookin. William Manning was a poor family governor when he allowed his slave to become pregnant (possibly at the hands of his own son). Abraham Arrington, however, not only failed to govern his household effectively, but also denied that the colony's government had the authority to dictate how heads of household governed their dependents. Given the way that the Massachusetts government was structured, with the public aspect resting on the domestic, a colony full of Abraham Arringtons would, indeed, have broken down "the pals of government."

Sylvannus Warro and Elizabeth Parker

Three years after Daniel Warro was named the reputed father of a bastard child, his brother, Sylvannus, was accused of fathering a child with a white servant in the household where he worked. Although the crimes with which the two men were charged were identical, they found themselves, nonetheless, in very different situations. Although Daniel Gookin owned both men, only Daniel Warro was living in the Gookin household. Sylvannus was living in William Parke's household in Roxbury as part of an agreement by which Sylvannus would work faithfully for eight years and then would have his freedom.[14] The arrangement was an unusual one, but it was not unheard of. Masters sometimes employed this arrangement in an effort to coax industrious labor out of slaves who were rebellious or otherwise reluctant to work.[15] Unfortunately for Sylvannus, however, the

arrangement placed him outside of Daniel Gookin's protection. As we will see, masters and fathers made very consistent choices about which members of their households were worth defending and which could be left to fend for themselves before the courts. Just as Sylvannus Warro's status was ambiguous, Daniel Gookin's attitude toward Sylvannus's place in Gookin's family was ambivalent. Masters usually sheltered and defended their children and their slaves, but turned their servants out and left them to fend for themselves before the Massachusetts courts. Unfortunately for Sylvannus Warro, neither Daniel Gookin nor William Parke had enough interest in him, financial or otherwise, to prevent him from being sold back into slavery over two and a half shillings per week of child support.

The tale of Sylvannus Warro and Elizabeth Parker gives us the opportunity to compare how fathers and masters dealt with the sexual misbehavior of different types of dependents. Considering the proverbial "double standard," we might expect women to fare more poorly than men in cases of simple fornication. Indeed, due in large part to the Massachusetts courts' evidentiary standards, the criminal punishment for fornication did fall more heavily on women. Eyewitnesses to illicit sexual intercourse were generally few and far between. Unmarried women could easily be convicted of fornication because they got pregnant. Men were usually convicted only when they confessed, although they could be held civilly responsible for child support even in the absence of a criminal conviction. If we broaden our perspective to include consequences beyond legal verdicts and sentences, however, the situation becomes more complicated than a simple matter of male and female. The most important factor in the outcome of Warro and Parker's case was that she was a daughter and he was not a son.

From William Parke's perspective, of course, both Elizabeth Parker and Sylvannus Warro were simply servants, and to his mind Elizabeth was probably the more troublesome of the two. Warro had not only impregnated his fellow servant, but had also run away and committed various thefts—but he could simply be sent to jail.[16] Because Parke apparently did not realize that Elizabeth was pregnant until she went into labor, Elizabeth presented a more complicated problem, and it was a problem that Parke bungled. Parke was so eager to remove Elizabeth

from his household that he spirited her away on a Sunday, when unnecessary travel was forbidden. In April of 1672, Parke was charged with engaging in inappropriate activities on the Sabbath. When Parke explained the reason for his trip, the court quickly dismissed his case. William Parke was trying to return his servant and her newborn to her hometown, Lancaster, before anyone realized that she had given birth in his house.[17] Parke failed, and set off a dispute that eventually pitted both the Lancaster selectmen and the Middlesex County Court against one impoverished, but remarkably stubborn, grandfather.

Parke's haste to return his white servant to her hometown was about more than avoiding the shame of having failed to govern his household properly and allowing Warro and Parker to engage in intercourse under his nose. Parke was also trying to avoid saddling Roxbury with financial responsibility for his servants' child. Every person born within the confines of a town in New England became a legal resident of that town, and individual towns were responsible for caring for their legal residents if they became indigent or otherwise unable to care for themselves. Towns could ensure that newcomers did not become legal inhabitants by warning them out. Poor, and therefore undesirable, immigrants could be warned to leave the jurisdiction and told that the local town would not support them should they find themselves in need. By allowing Elizabeth's child, whom she named Sylvannus Warro after his father, to be born in Roxbury, William Parke had exposed the town to unnecessary expense by making it responsible for ensuring that the infant was properly cared for. Perhaps Parke hoped that if he returned Elizabeth Parker and her baby to Lancaster quickly enough, the town would fail to notice. But Parker's hasty return was too little, too late. Lancaster welcomed the newborn Sylvannus Warro by warning him out.[18]

Although the Lancaster selectmen would later claim that their town's honor had been impugned by "the infamie of having a bastard, legaly fathered upon another towne . . . violently and forcibly If not fraudelently thrust" upon them, the more serious problem was the Parker family's finances. As the clerk of court wrote to William Parke, Elizabeth's father, Edmund, was "a very poor man & unable to mainteyne his owne family much less the said Bastard Child & its mother." Edmund Parker did own land, but his material surroundings were less than comfortable.

According to the town selectmen, Elizabeth Parker had been sent into service in Roxbury because her father was too poor to keep her. His house was ramshackle and leaky, so that "when it Raines their is noe drie plac in it." A simple downpour was sufficient to send the family scurrying to their neighbors' homes for shelter. Living conditions must have been nearly intolerable in the frigid Massachusetts winters. Before Elizabeth left her father's home, the house had contained "but one pore bed for himselfe his son and daughter all to lodg in or sleep by the fire." When Elizabeth became old enough for this arrangement to raise the specter of incest, she began sleeping at her neighbors' houses, but this arrangement soon proved unsatisfactory as well. Elizabeth's "time was lost" as she traveled from place and place and "haunted" her neighbors' homes.[19] Edmund Parker's solution to this problem had been to send his daughter to William Parke in Roxbury. Parker had probably already disposed of three of Elizabeth's siblings into service in an attempt to keep the family solvent. At her departure only her brother, Abraham, was still living at home.[20] Yet Edmund Parker was more than willing to accept both his wayward daughter and her bastard mulatto child into his home. It was not as if Edmund Parker lacked alternatives. William Parke was willing to pay child support, and the Middlesex County Court agreed that Roxbury, not Lancaster, was responsible for overseeing the child's care. All Edmund Parker had to do was to let the baby go.

Over the course of the next two years, the local selectmen tried various schemes for removing Edmund Parker's grandson from his household. They demanded that Edmund post bond for his grandson. When he could not, they attempted to have the child bound out as a servant.[21] They informed the county court that Edmund Parker's house was unsafe and that the expense of rendering the home habitable "for lodging and other nesesaries fit for a woman that gives sucke and such a child that soe their lives are healthey, may not be exposed to danger and the towne to quiet" was simply too high.[22] Finally, in April of 1674, the selectmen presented Edmund Parker before the Middlesex County Court for refusing to attend worship or provide for his son's education. Parker argued that he was a poor man and lacked the resources necessary to comply with the selectmen's demands. The selectmen, "wearied out with pevish froward provoaking expressions," however, reminded the

court that Edmund Parker's only extraordinary expense was "what he hath needlesly and indiscreetly brought upon himselfe in taking in his daughter and her bastard child forcibly against the towns order."[23] The county court chose to admonish Parker, and ordered him to attend worship and to provide a suitable education for his son. Of Elizabeth Parker and her bastard son, however, they said nothing. Presumably, on that point, the county court, too, was "wearied out."[24] Edmund Parker may have been a poor man, but when the fate of his daughter and her child was at stake, he took on both the county court and the local selectmen—and won.

Elizabeth's partner, Sylvannus Warro, was not so fortunate. Neither William Parke nor Daniel Gookin was willing to intervene on his behalf after the county court sentenced him to pay two and a half shillings per week in child support. The court stipulated that if Warro was unable to pay child maintenance, he should be sold "by his said master"—whom the court identified as William Parke rather than Daniel Gookin—in order to raise the money. William Parke rid himself of Warro by having him arrested for theft, but he balked at selling a man who did not, after all, belong to him. Parke later recalled that he did "advise with the Worshll Major Gookin what to Do with him," but Daniel Gookin offered no objections to Warro's sale. Instead he offered to ship Warro to Virginia.[25] William Parke, however, found a local buyer in Jonathan Wade of Medford. Gookin then visited his former slave in jail, advised him to accept his fate, and suggested that "he might fall in with Mr. Wade's Negro Wench and live well."[26] Warro's status when he came before the Suffolk County Court in 1672 was ambiguous. He had been promised his freedom but was not yet emancipated when the courts ordered him sold by William Parke, a man who never actually owned him, over child support.

Ten years passed before Daniel Gookin decided that he had made a mistake. Unlike Edmund Parker, Gookin had complied with the orders of the county court. He had served the larger commonwealth of Massachusetts Bay, but perhaps he could not rid himself of the nagging feeling that he had failed the smaller commonwealth that he governed. Daniel Gookin's relationship to Sylvannus Warro was complex. Warro had, of course, been Daniel's slave, but Gookin had also owned

Sylvannus's parents, Jacob and Maria Warro, and they had been faithful to him. Indeed, Jacob Warro had died defending a plantation Gookin owned in Maryland from an Indian attack in 1653.[27] His death seems to have made an impression on Gookin, who later claimed that his attachment to Sylvannus Warro stemmed largely from respect for Sylvannus's father, who was "a Godly man & this negro died in my service, in the Glorious Name of The Father, Son & Holy Ghost named upon him in Baptisme." As Daniel later put it, "although he be old & soe myne cannot expect any great prfit by him"—surely something of an exaggeration since Warro was probably not quite forty at the time—"yet I cannot withdraw my naturall affection to him."[28] He remained in contact with Sylvannus Warro and even borrowed his services from Jonathan Wade from time to time.[29] Ten years after allowing William Parke to sell Sylvannus, Daniel Gookin decided to challenge Jonathan Wade's right to his slave.

And so in 1682, Daniel Gookin called Sylvannus Warro to his house and presented him with a covenant, to which Warro affixed his mark:

> These presents witnesseth that I Sylvanus Warro nigro; in love & duty to my master Daniel Gookin Esqr in whose house I was borne bred & educated & my parents Jacob & Maria Warro were his servts & vassalls; I do hereby freely & voluntarily covt agre[e] & oblige my selfe faithfully diligently & truly to serve & obey him ye sd Daniel Gookin; & his children as he shall please to appoint for the whole term of my naterall life, hee & they being to provide me meat, drink, lodging & apparell or a sertaine sum of money to buy apparell yearly as may be agreed & so take care of me in sickness & in health as Xian [Christian] duty requirer. In wittness wherof I the sd Sylvanus Warro have to this covt put my hand & seale the 8 Nove 82[.][30]

This was not the freedom Gookin had promised Warro fifteen years before, but it probably was something of a reprieve. A return to the Gookin household would have meant a reunion with Sylvannus's brother and an escape from Jonathan Wade. It was not to be so easy. Jonathan Wade, naturally, objected and initiated a hue and cry until Warro was located and returned to his house.[31] Daniel Gookin responded by bringing a

suit against Wade in Middlesex County Court for "holding & deteyneing from him his Servt Silvanus Warrow Negro."[32]

The surest way for Daniel Gookin to retrieve his erstwhile slave from Jonathan Wade would have been, of course, to purchase him. He might also have chosen to argue that Warro's sale was illegal, since the man who sold him had never owned him, but Daniel chose to do neither. Instead, he argued that the county court had tacitly recognized Sylvannus Warro's freedom by requiring him to pay child support and then illegally ordered him sold into slavery. Gookin was quite correct when he reminded the court "the law title Fornication doe no[t] require a man to be sold to mayntence a Bastard."[33] Gookin argued that Warro had repaid the cost of his child support with the ten years of labor he had performed for Jonathan Wade and was now, once more, a free man who could enter into a contract for his labor. Gookin's argument ignored Sylvannus Warro's racial status, but seventeenth-century Massachusetts courts tended to consider free black men and women potential slaves who might be sold for a variety of crimes regardless of the lack of statutory support. Jonathan Wade's argument was more in keeping with the growing trend to equate race and slavery. According to Wade, Sylvannus Warro was a "negro," and a "negro" was simultaneously a black man and a slave. A slave could never fulfill a financial obligation because his labor was not his own. Making an exception in Warro's case would not only be unjust to Jonathan Wade, it would also set a dangerous precedent. "For Then every negro may have his freedom upon the Same accot," Wade argued.[34] Wade offered Gookin the obvious solution, writing "if Major Generall [Gookin] will please to pay my Charge and purchase he may have him for her [his] Service still."[35] Daniel Gookin's "naturall affection" for Warro did not extend far enough to encompass his purchase price. Sylvannus Warro lived and died a slave in Jonathan Wade's household.

Family ties, and how fathers and masters interpreted those ties, made dramatic differences in the lives of all types of dependents and largely determined the consequences dependents endured for engaging in illicit sex. Daniel Warro, Sylvannus Warro, and Elizabeth Parker had, after all, committed the same crime: fornication. Ironically, Daniel Warro's unambiguous status as a slave protected him from the type of upheaval

his brother endured. Elizabeth Parker was an expendable servant when she lived in William Parke's household. Edmund Parker, however, risked the ire of local officials when he defended Elizabeth and her mulatto bastard child with his "pevish froward provoaking expressions." Edmund Parker and Daniel Gookin each challenged Authority in their quests to protect Elizabeth and Sylvannus, respectively, from harm, but it was the poor farmer rather than the "Worshipful Major General" who persisted until the authorities were "wearied out." Edmund Parker had more to lose. In this case it is possible to trace the far-reaching consequences of the choices Gookin and Parker made because, as it happens, the elder Sylvannus Warro sired both a son and a daughter. Elizabeth Parker's son lived in his grandfather's household and eventually trained as a tailor. The elder Sylvannus's daughter was, like her half brother, born to a white servant, but she was born in Jonathan Wade's home. When the younger Sylvannus discovered her in 1709, she was living as a slave. Young Sylvannus tried first to claim her as the free family member she legally was and then to abscond with her to Boston, but his efforts were in vain. The county court returned Sylvannus's sister to her mistress. In all likelihood, she died in slavery.[36]

Samuel Gookin and Hannah Stevenson

The stories recounted so far have told us much about household government, status within individual households, and their effect on the consequences of sexual misbehavior. The story of Daniel Gookin's son Samuel and his partner, Hannah Stevenson, however, will broaden our understanding of how families worked (in this case, unsuccessfully) to prevent their members from becoming embroiled in sexual crime in the first place. Although most histories of early New England have described sexual policing as a communal effort at moral redemption, a closer look at the actual mechanics of sexual policing tells a very different story. When Hannah Stevenson accused Daniel Gookin's son Samuel of being the father of her bastard child, residents of Cambridge poured into the courtroom to tell what they knew about the relationship between the young man and woman. They appear to have known quite a bit. On the surface, their testimony would seem to suggest that community

members did, in fact, monitor the sexual behavior of their neighbors, occasionally remonstrate with them in cases of suspicious behavior, and then, finally, testify about them in court when their behavior crossed the line from suspicious to criminal. The illusion of community policing motivated by a desire to protect public morals breaks down, however, when we look for relationships between those being tried for sexual crimes and those giving testimony about them. As we will see, the majority of the evidence about sexual relationships came from family members who had long been monitoring the behavior of their kinfolk. Neighbors could actually be shockingly negligent about reporting sexual misbehavior, until it was in their own interests to do so. Indeed, few ever testified in criminal fornication cases; it was the civil contests over paternity that brought them into the courts.

One winter's evening in 1676 or '77 Samuel Gookin arrived at the Stevenson house late in the evening just as the family was ready to retire. He sat down by the fire and began to talk. Goodman Stevenson probably yawned pointedly and stretched. But Samuel Gookin was not a man Stevenson could ask to leave. As the son of Daniel Gookin, Samuel was of a much higher social status than the Stevensons. The Gookin family was one the Stevensons could ill afford to offend—or, as Hannah's father, Andrew Stevenson, put it, "I being loth to bid him go hom in Regard of the Respet that I had to his Relations for fear I should giv ofence." Finally, Andrew gave up and left Hannah and Samuel seated by the fire, trusting that his own son, also named Andrew, would have the good sense to wait up until Samuel Gookin left. The younger Andrew was not a child. At twenty-seven years old, he should have been wise enough in the ways of the world to keep an eye on his younger sister. But he was weary as well, and before long he too went off to bed, leaving Hannah and Samuel alone by the fire with the opportunity to do as they wished.[37]

Hannah Stevenson's mother, Jane, also worried about Samuel's evening visits. Samuel seemed to appear quietly and without notice. There was no telling when he would turn up in the house. He seemed to appear whenever Jane's back was turned, disappearing only when Jane sent her daughter back to her chores. One evening as Jane walked through the house, she saw Hannah standing in the entryway talking to Samuel.

Another time when Hannah was supposed to be working about the house, Jane looked up to see the two roughhousing, with her daughter riding on Samuel's back. Even when Hannah was ill, Samuel just could not seem to stay away from her; as Hannah once sat resting with a sore throat, Jane looked up to see Samuel holding her hand.[38] Surely, nothing good could come of this apparent courting. Samuel Gookin was not a man to marry Hannah Stevenson.

Nor did all of the couple's interactions take place within the Stevenson household. Joseph Cooke later recalled that in December of 1676 he had twice seen Hannah and Samuel alone together. Once they had been leaning up against the Stevenson family's barn, and the other time they were not far from Daniel Gookin's lean-to door. Doubtless, the two were up to no good, for as Joseph stopped near them along the highway, one said to the other "here is mr Cooke," as if in warning.[39] Another night Hannah Stevenson arrived at the Arrington household to fetch Hannah Arrington. On their way back to the Stevenson home, Hannah Arrington remembered, they had encountered Samuel Gookin, who "Tooke hanah stimson [Stevenson] by the hand and did lead har beyond hur fathers house up the hill and ware There together some time."[40] The courtship went deeper than Andrew and Jane Stevenson realized.

Or did it? Perhaps Hannah was, as some of her neighbors would later claim, simply a "company keeper." Other neighbors had seen Hannah Stevenson in compromising circumstances that did not include Samuel Gookin. Harvard's commencement activities in the summer of 1676 must have filled the small town of Cambridge with strangers and might have provided the touch of anonymity that Hannah Stevenson needed for secret trysts. The Blue Anchor Tavern, located only a few blocks from the college in Cambridge, was probably unusually busy. As the tavern-owner's harried wife, Elizabeth Belcher, scurried through the tavern's parlor, she noticed a man and women lying across one of her beds. She called out to them "remove you forth" but did not stop to enforce her command. Belcher's daughter, Martha Remington, was assisting her mother with the crowds that day, and when she entered the parlor, she found "to her trouble and Amasement" that Hannah Stevenson was lying on the bed "under a man." The couple had failed to pull the curtains tightly around the foot of the bed, and Remington saw Stevenson's face

"plainly." Remington, perhaps less concerned with the tavern's other customers, rushed back to her mother to ask if she knew who the woman on the bed was. Belcher replied that she knew neither the women nor the man. Remington had a piece of hot gossip. She told her mother the woman was Hannah Stevenson. Neither mentioned the identity of her partner.[41]

Stevenson's commencement activities did not stop there. Two of her neighbors, Robert and Barbara Brown, saw Stevenson in Thomas Longhorne's nearby orchard "keeping Company wth yong fellows sum wherof wee know others wee know not." Like Belcher and Remington, the Browns did not name any male names.[42] Thomas Longhorne himself had seen Hannah Stevenson out in his bushes with a man "in an insivell postor." Hannah told Longhorne only that her partner was a "man of boston."[43] Longhorne's cousin Ruth Green further elaborated on the story of Hannah Stevenson in the orchard. She had come to her kinsman's home by chance and found a group of young people ready to share a little syllabub. The house was crowded, and so the party adjourned to the field by the Longhornes' house, but Longhorne himself came out and remonstrated with the group for crushing his grass. The party broke up, but Hannah Stevenson stayed, and as Ruth Green walked away, she looked back and saw her cousin take Stevenson's hand, discourse with her for a few minutes, and lead her away.[44]

By the spring of 1677, Hannah Stevenson was pregnant, and, according to her testimony, Samuel Gookin was well aware that he was the father. Stevenson claimed that, beginning in January, she had refused to see Samuel Gookin. In March, he appeared in the Stevenson household when Hannah's parents were absent and inquired anxiously after Hannah's health. Hannah replied "that shee was yet ill, & such as he must stand too." Samuel dismissed her concerns, replying "you do but scare mee." Hannah reminded him darkly that she had not been alone with any other man that winter. Samuel left but returned the following month with the same question on his mind. Again, Hannah informed him that she was not well and added "you have undone mee." Again, Samuel replied "you do but scare me." Hannah, her patience wearing thin, responded "it is true & you must go to Court for it is much talked of: both you & mee." Once more, Samuel tried to convince him-

self that Hannah was toying with him. When she asserted the truth of her claims yet again, Samuel Gookin began to panic. Surely Hannah knew how to induce an abortion. "[F]or God sake take something," he cried. But Hannah refused to let Samuel off so easily. If she took her chances and aborted, she asserted, Samuel would simply "go away and deny it." But Samuel was adamant: "if you take not something you are undone I think the devill is in you you have deferred it so long: but it is not too late, take something now."[45]

Samuel Gookin assumed that his partner knew how to induce an abortion. Hannah Stevenson did not deny it; she was simply unwilling. Gookin then turned to a near neighbor, Samuel Gibson. Gibson may have had a reputation as a friend to young people. Only a few years before he had been convicted of hosting a party of young men, including some Harvard students, complete with a stolen roasted turkey.[46] Samuel Gookin apparently rushed to the Gibson household directly from his encounter with Stevenson. There he took a book from the mantelpiece and sat "reeding about the nature of herbs." Gibson never disclosed the book's title. Most pharmacopoeias and midwifery manuals, however, focused on how to prevent a miscarriage, but were more reticent about how to induce one. Samuel Gookin was confused, but he was also unwilling to explain the purpose of the visit to his neighbor. Instead, Gookin asked, "whether savin was not good to make a mare strike har fole." His father, Gookin explained, needed the information. Savin was a well-known herbal abortifacient, and Samuel Gibson was not a fool. Rather than answering Gookin's question, he responded that inducing a miscarriage in a horse was a bad idea.[47] Hannah Stevenson gave birth to a living child.

There is no doubt that Hannah Stevenson had a reputation. Given the stories neighbors told about her, it was probably no surprise to many when it became known that she was pregnant. And yet, in all the stories told before the Middlesex County Court, no one outside her immediate family mentioned rebuking her about her activities. Ruth Green suggested that Thomas Longhorne may have done so, but Hannah Stevenson's description of their encounter as a lecherous old man chasing away younger men so that "he could mak a little sport with her" is more probable.[48] Thomas Longhorne, with whom we will later become better acquainted, was not

known for his high moral character, and Hannah Stevenson was not the only young woman who complained that Longhorne had been paying her unwanted sexual attentions. Stories about Hannah Stevenson appear to have circulated for quite some time, and yet no one complained about her behavior to the local justice of the peace. When Joseph Cooke looked up from the road and saw Hannah talking privately with Samuel Gookin, he probably did not think their behavior actionable, and it is no surprise that he failed to alert the authorities. That Elizabeth Belcher and Martha Remington failed to do so is more surprising. Belcher and Remington had observed Stevenson lying on a bed under a man, and that was a criminal activity. Not only might Stevenson have been prosecuted for behaving in such an "uncivil" manner, but Belcher's husband might also have found himself before the courts for allowing that type of activity to go on unchecked in his tavern. And so, while those who observed Stevenson's activities may have gossiped among themselves, they remained officially silent.

Nor did Hannah Stevenson's trial for fornication elicit courtroom testimony about her behavior. Her pregnancy was incontrovertible proof that she had committed fornication. The single piece of documentation related to Stevenson's trial for fornication is a ten-pound bond that her father, Andrew, signed with his mark.[49] That bond, which assured the court that Hannah would appear for her trial, also ensured that she could remain free rather than giving birth to her child in prison. The controversy over Hannah Stevenson's behavior began when she accused Samuel Gookin of being the father of her child and initiated a civil paternity suit. Samuel denied her accusation, and his family rushed to his defense. His father and brother, both named Daniel Gookin, began by acting as sureties on Samuel's forty-pound bond.[50] Samuel's parents submitted a petition to the county court in which they attacked the veracity of both Hannah Stevenson and the witnesses who testified in her behalf, and defended their son's character. Samuel, they confessed, was "not so serious as wee wish," but he never lied—at least not "when soberly charged to speke truth." Other young women had certainly spent time in his company and would be willing to "aquit him from any lacivious carrig or uncivall Behavior." The problem was not Samuel Gookin, but Hannah Stevenson. Stevenson, they claimed, was "of a very evel

conversation," disobedient to her parents, and a "company keeper" who associated "by night & day with young men in a suspicious maner & uncivil cariage." She wore clothing that was inappropriate both because it "exceeded her ranke" and because it was intended to "allure young men." Any number of men, the Gookins implied, might have been responsible for Stevenson's condition. Most important, she was "a notorious lyar & false speaker & not [to] be creditet in her words." Those few deponents who had given the unlikely testimony that their son had been keeping company with Hannah Stevenson were "persons not be credited in point of vericity: having spoken backward & forward."[51]

It was Hannah Stevenson's accusation of Samuel Gookin that brought Cambridge residents into the courtroom. Those who testified in the suit between Stevenson and Gookin were, for the most part, however, not simply giving disinterested testimony. They were choosing sides. At first glance, almost all the depositions appear hostile to Hannah Stevenson. Most of them portray her as a woman of questionable sexual morals. In order to interpret the depositions, however, it is necessary to understand what the deponents were trying to achieve. Attempting to portray Stevenson as a virtuous woman was pointless. She stood in the courtroom with her bastard child in her arms. The question was not had Hannah engaged in fornication, but had Samuel been her partner. Although a few deponents may have been neighbors who simply happened to observe Stevenson's behavior, most had family connections to or grievances against one of the parties, which drew them into the fray. This is not to say that any of the deponents were lying; but most had more than ordinary reasons to monitor the behavior of the parties involved or were only too happy to pass on information about families with whom they had old scores to settle. Very few entered the courtroom by happenstance.

Joseph and Martha Cooke, a married couple in their thirties who were neighbors of the Stevensons and the Gookins, both testified in the suit between Hannah Stevenson and Samuel Gookin. Joseph Cooke testified that he had seen Hannah and Samuel alone together at night on two occasions.[52] Martha Cooke testified that she had been present when Hannah gave birth. She arrived late at the birthing and inquired of the other women present whom Hannah had accused. When the women told her what Hannah had said, Martha "never the les for my

own satisfaction" and to ensure "that the truth might be known" asked Hannah directly, telling her "If now you can Clear mr. Samll. Gookin I thinke you ought to do it and let the truthe be knowne." But Hannah replied "no, I cannot clear him, it is his child."[53] Both depositions strengthened Hannah's case. Joseph's testimony helped to establish that Samuel and Hannah had been keeping company and that, since they had been alone together, Samuel had had the opportunity to impregnate Hannah. At first glance, Martha's testimony appears less than friendly. Even after Hannah at that crucial moment—the height of her labor—named Samuel as the baby's father, Martha continued to question her, as if she doubted Hannah's veracity. Martha's questions, however, served two purposes. First, if Hannah were lying, her chances of losing her case and with it financial support for her baby would be higher. It was not unknown for unwed mothers to falsely accuse high-status men; nor was it unknown for the deception to be uncovered. Most women in that position did not get a chance to charge a second man. Second, Martha's question made her a strong witness for Hannah. Even after Martha charged Hannah to speak honestly, Hannah remained constant in her tale. Martha and Joseph Cooke were interested in Hannah's predicament because they were related, albeit probably distantly, to the Stevenson family; the Cookes probably thought of their observation and testimony as the duty of kinfolk.[54]

Samuel Gibson was not related to the Stevenson family, and yet he provided some of the most damning evidence against Samuel Gookin. Gibson's testimony, which strongly implied that Gookin was trying to find information on abortion, suggests not simply that Gookin was keeping company with Hannah Stevenson, but that he knew he was responsible for her pregnancy and wanted to keep her condition a secret. Samuel Gookin may have turned to Gibson because he had a reputation for befriending young men; but if so, Gookin made a poor choice. The reason we know about the roast turkey dinner Gibson held for neighborhood youths is that the turkey served that evening had belonged to Daniel Gookin, Samuel's father, and Daniel Gookin had Gibson brought up on charges of receiving stolen goods. Samuel Gibson had reason to hold a grudge.[55]

Deponents who gave testimony in support of Hannah Stevenson needed to provide evidence of Samuel Gookin's involvement with Stevenson. Those who testified in Gookin's behalf would need either to show that Gookin was elsewhere when some claimed he had been with Stevenson, or they needed to provide evidence that Stevenson had consorted with other men, thereby calling the paternity of Stevenson's child into question. Because none of the deponents who testified that they had seen Stevenson and Gookin together were specific about dates, it was impossible for Gookin's deponents to directly counter their testimony. Several, however, claimed that they had seen Stevenson in the company of other—unspecified—men.

Elizabeth Belcher and her daughter, Martha Remington, provided the most damning bit of evidence on this point. Both claimed that they had seen Hannah Stevenson on a bed and underneath a man in the Blue Anchor Tavern. Belcher and Remington had connections that would have encouraged them to be both friendly to the Gookins and hostile to the Stevensons. This was not the first time that Elizabeth Belcher and Martha Remington had testified on behalf of a Gookin. In March of 1676, a man came into Belcher's home, mother and daughter testified, and "broak out into many hideous railing expressions agt the worll [worshipful] Capt. Daniel Gookin." The "expressions" mixed political commentary with more general invective. Gookin was "an Irish dog that was never faithful to his country," but he was also "the sonne of a whoare, a bitch, a rogue" and "the devills interpreter." The man wished he might "pistoll" Gookin and that "my knife and sizers were in his heart."[56] King Philip's War was raging in the spring of 1676, and the support and protection Daniel Gookin rendered to the Christianized Indians during this conflict made him immensely unpopular with a great many people. But Daniel was not the only one. The name that sprang to many people's minds immediately after Gookin was that of Thomas Danforth. In fact, at the very outset of the war in 1675, a handbill had circulated warning the two men "(traytors to their king and countrey)" that "some generous spirits have vowed their destruction" and advised Thomas Danforth and Daniel Gookin to prepare their souls for death.[57] The month after Belcher and Remington testified in the case between Samuel Gookin

and Hannah Stevenson, a man tried to run down Thomas Danforth in the streets. When asked why he had tried to kill Danforth, the man replied, "it was noe matter if Mr. Danforth and Major Gucking were both hanged."[58] Elizabeth Belcher, born Elizabeth Danforth, was Thomas Danforth's sister, and Martha Remington was his niece.[59]

Loyalty to the Gookin family was probably one factor that propelled Elizabeth Danforth Belcher to Gookin's cause. But there were also reasons for Belcher and Remington to be hostile to the Stevensons. Ten years before, in 1668, Hannah Stevenson's father had apprenticed his son, Andrew, to Martha Remington's husband, Jonathan Remington. The agreement had ended badly, and Jonathan Remington had reason to believe that he had been treated unfairly. After young Andrew had lived in Jonathan Remington's house for some time, the elder Andrew, "by reason of some hard usage which he observed was manifested toward his son, & words arising thereupon," decided to break the contract and bring young Andrew home again. Remington suggested that the matter be put to arbitration, and Stevenson agreed. Stevenson evidently changed his mind, however, and demanded that Remington turn over both his son and the indenture. Remington, apparently eager to be rid of the boy and his father, complied, but when Stevenson later attempted to collect on a debt—perhaps part of the price he had paid when he indentured Andrew?—Remington sued him for breach of contract and for failing to follow through with the agreed arbitration.[60] Martha Remington, in particular, may have found the opportunity to testify against Andrew Stevenson's daughter sweet indeed.

Thomas Longhorne and Ruth Green were probably drawn into the fray only incidentally. Robert and Barbara Brown were near neighbors of the Stevensons, and they testified that they had seen Hannah Stevenson "wth young men for these three or 4 years space." They had observed Hannah's "company keeping" in the streets and in "the orchard."[61] The orchard in question belonged to Thomas Longhorne, and this probably explains why Longhorne was called to testify. In court, Longhorne told a story about seeing Hannah Stevenson and a man "in an insivell postor" in his bushes. Longhorne indicated that he spoke to Stevenson, who identified the man she was with only as "a man of boston as she sayd."[62] Longhorne's cousin Ruth Green, in an apparent attempt to de-

fend her kinsman, expanded the story into one about a neighbor concerned by a young woman's loose behavior.[63] In Green's tale, Longhorne took Stevenson by the hand and "dis cassed [discoursed] with her sume time and then led hir away," presumably from the man with whom she had been lying.[64] In Hannah Stevenson's version of the same events, Longhorne "led hir away" only because he was hoping to lie with her himself.

In the end, Hannah Stevenson won her case. Despite Daniel and Mary Gookin's plea for the court "seriously to consider all circumstances & evedencs in the case," the cards had been stacked against Samuel Gookin from the beginning.[65] Massachusetts law gave great weight to the accusation of a woman in labor. Whomever such a woman identified as the father of her bastard child would be named the "reputed father" and charged to provide half of the child's expenses, unless he could prove his innocence. The burden of proof was too heavy. Samuel Gookin's status did not help him, and he was named the reputed father of Hannah Stevenson's child.[66] The Middlesex County Court ordered Samuel to pay two shillings per week in child maintenance and post a twenty-pound bond. Samuel Gookin neglected to appear before the court on the day the judgment was determined, and his father, Daniel, entered into contract that his son would fulfill his obligations.[67]

Yet someone in the Stevenson household was not satisfied. In June of 1678, seven months after Hannah Stevenson won her case, someone pointedly abandoned her baby on Daniel Gookin's porch. Perhaps Hannah—or her father?—resented that her family should have to provide half of the child's financial support and see to its daily care. Perhaps she suffered from pointed stares and barely veiled whispers, and thought it unfair that Samuel's life should proceed largely unchanged. Or perhaps a fractious baby simply became too much. Daniel Gookin was less than pleased. He was willing to defend his son against Stevenson's charges and later to guarantee that Samuel would provide child support, but, unlike Edmund Parker, he was unequivocally unwilling to take in his bastard grandson. Gookin called in the local constable, issued a warrant, and demanded that the child be returned to "the House of Andrew Stimpson." But being a constable in Cambridge was a rough job that day. Constable Reed dutifully carried the squalling infant to Andrew

Stevenson's home, where "old Goodman Stimpson owned it was his daughters child." Andrew Stevenson, however, was no more willing to receive the child than Daniel Gookin had been. Constable Reed pleaded with Stevenson to take the child for just a little while, "only untill the county court wch was within a week." After that he might "petition for releese." But Stevenson was adamant and with "passionate words rejected it & shut the door against us."[68]

The argument over who would take in the tiny bastard played out between Daniel Gookin and Andrew Stevenson. But where was Samuel Gookin when his father was calling for a constable? And why was Hannah Stevenson so conspicuously absent when her father slammed the door in the face of that same official? There are two possibilities. Perhaps Hannah Stevenson and Samuel Gookin were having an argument through their fathers. Hannah may have willfully abandoned her baby and persuaded her father to face the constable in her stead. Perhaps Samuel had his father call the constable because Daniel was the more powerful figure. Or perhaps the altercation really was between the two heads of household. Andrew may well have been the driving force behind the abandonment. Hannah could as easily have been standing behind a door biting her lip as lurking around the corner cheering her father on. Although it is unlikely that Samuel yearned to shelter the child he denied was his, it is quite possible that he never saw the baby before his father thrust it into the constable's arms. Although it is tempting to imagine Hannah Stevenson abandoning her baby in protest against a system that saddled her with a disproportionate penalty for fornication, the fact that we cannot know what—or whose—motivation lay behind the abandonment is almost more instructive.

We cannot know who abandoned the infant on the Gookins' doorstep because once Andrew Stevenson denied the child entry to his house, the question became irrelevant. Fathers frequently used their power to protect their children and further their interests; they might acquiesce to their children's demands, but final authority in household matters rested with the father. If Hannah abandoned her baby, she evidently did so with her father's blessing, since he supported her decision by barring the constable's entry. If the decision to eject the child was Andrew's, Hannah had no recourse. Andrew, not Hannah, controlled who could reside

within the walls of his house. Hannah may have influenced her father, but as long as she needed to live in his household, she could not effectively oppose him. When the constable squared his shoulders to face the Stevenson family, the face he saw had to be Andrew Stevenson's. The court could not place the child with Hannah Stevenson as long as she lived in her father's house, and her father denied the child shelter. It did not even try.

On December 18, 1678, Hannah Stevenson was called before the Middlesex County Court to answer charges that she had "in a rude & barbarous mann[er] exposed her child to pishing [perishing]."[69] In the six months since Andrew Stevenson had refused to allow his grandson back into his home, the child was shifted from pillar to post. Constable Reed recalled at Stevenson's trial that after both grandfathers had closed their doors against their grandson "I was faine by order of Athority to put the child forth to Goody purling & after to others."[70] The outcome of Hannah's trial simply made this arrangement official. The Cambridge selectmen were ordered to take care for the child's "disposall and provission" now that it had fallen to their "mercy and care." Hannah, like Samuel, was now ordered to pay two shillings per week to defray the cost of raising the child, and so perhaps she rid herself of an unwanted burden.[71] Less than a month later, Samuel Gookin petitioned the court and requested permission to bind out the child so that he might be released from his child maintenance payments. Hannah was present in the court, and her comments were "heard," although there is no record of what she said. Not surprisingly, she failed to post a bond to secure the town from expense on the child's behalf. Samuel had contracted with Michael Flagg of Watertown and was only waiting for the court's approval to sign the indentures. The county court, finding Flagg to be a "freeholder & of honest report," approved the indenture, and so the child was bound out at somewhere between fourteen and twenty-one months of age.[72] He (or she) was to serve Flagg, and receive his/her maintenance and education in return until the age of twenty-one.[73]

If the tale of Hannah Stevenson's baby—especially when considered in contrast to the fate of Elizabeth Parker's child Sylvannus—tells us something of the power of patriarchs over the members of their households,

the story of Stevenson's courtship tells us about the roles played by other family members. The surveillance of sexual behavior was a family affair in late seventeenth-century Massachusetts. Neighborly prying was a relative rarity, and few disinterested busybodies reported suspicious sexual behavior to local magistrates. Members of both nuclear and extended families, however, made it their business to oversee courtships, to warn couples whose familiarity appeared suspicious, and, after remonstrances had failed, to provide testimony in paternity suits.

John Eliot Jr. and Hannah Brackett

The final case in which Daniel Gookin's dependents dragged his good name through the dirt provides an unusually clear perspective on how one young servant woman perceived her families—both biological and surrogate—and how she understood the crime of fornication to affect them. Hannah Brackett, who worked as a servant in the Gookin household, accused Daniel Gookin's co-resident grandson, John Eliot Jr., of being the father of her bastard child in 1684. In many ways, her story is similar to those of others connected with the Gookin family. Members of the Gookin household defended Gookin's grandson. Hannah Brackett's relatives, although living too far away to monitor her sexual behavior, took her in and provided support after Daniel Gookin threw her out. What makes Brackett's case particularly enlightening is the lengthy confession she penned. In her confession, Hannah Brackett makes clear something that is often obscured in the file papers of similar cases: that her position in Daniel Gookin's household made her a member of his family.

From a modern vantage point it is easy to imagine the relationship between master and servant as primarily a financial one. Most New England families practiced some version of life-cycle service in which children and teenagers worked as servants for extended periods during their minority. Life-cycle service was in many ways financially practical. It allowed families who had more children than they could usefully employ (or, as in the case of Elizabeth Parker, support) to send their children to other families who would both support them financially and teach them skills they could not learn at home. Conversely, it provided

inexpensive labor for families who had few of their own children working in their households. Finally, it benefited the children and teenagers who worked as servants, both by giving them access to a wider skill set than they might have developed at home and by giving them an opportunity to earn money they would eventually need to marry and set up their own households.

Life-cycle service was, however, more than a financial relationship. When seventeenth-century New Englanders spoke of their "families," they included both kinfolk and other dependents, such as servants and slaves, in their use of that term. It was not unusual for young men and women to live with their masters' families for long periods and to do so during formative years of their development. Both legal and sermon literature make it clear that masters and mistresses were expected to raise their young servants in much the same way they raised their own children, and it would have been extraordinary indeed if important bonds had not formed between servants and the families in which they lived. The character of those bonds varied, but we miss a vital aspect of family life, and the probable trauma many servants experienced at being turned out of their masters' homes, if we conceive of master-servant relationships simply in terms of employment.

When Hannah Brackett became pregnant in 1684, she did not need the county court to tell her that she had wronged her families—all three of them. Born the daughter of John and Hannah French Brackett, Hannah spent many of her formative years in the home of her paternal grandparents. Hannah's mother died in 1674 when Hannah was twelve years old. Perhaps this event, or her father's remarriage less than one year later, was the occasion of her removal. Hannah's grandparents, Richard and Alice Blower Brackett, were well known as godly people. Indeed, Richard Brackett was a prominent deacon in his church in Braintree.[74] By the age of eighteen, Hannah Brackett was living as a servant in Daniel Gookin's household and had had the benefit of living in three godly households when she accused John Eliot Jr. of being the father of her child.[75]

Hannah Brackett's accusation failed to elicit the sort of testimony that poured forth at Hannah Stevenson's trial just six years previously. In fact, only one deponent testified about either Eliot or Brackett. John Eliot claimed that Bracket had told him she had lain with Peter Thorp, and

that he had come home one night to find Joseph Webb and Hannah Bracket in Eliot's bed "committing wickedness together."[76] One person backed up his story. Daniel Warro, slave to Daniel Gookin and reputed father of his own bastard child, claimed that he had seen Peter Thorp leaving Brackett's bedchamber "at a very unseasonable time of night" and that Joseph Webb had been in the Gookin home the winter before.[77] Although it is possible that most of the depositions in the suit between Brackett and Eliot were delivered viva voce before the court and so left no perceivable trace in the court's records, the difference probably had more to do with the reputations of the two young women and the circumstances of their liaisons. Hannah Stevenson was a "company keeper" according to many of the deponents who testified in her suit against Samuel Gookin. No such label was attached to Hannah Brackett. If neighbors observed suspect behavior or gossiped in secret about Brackett's or Eliot's behavior, the Middlesex court records give no indication. The relationship Brackett claimed she had had with Eliot was probably invisible to their neighbors, since the young man and woman did not need to leave their own home to engage in illicit behavior.

Hannah Brackett interpreted her actions with John Eliot as a sin against God and as "a land defiling sin" that brought grief to all of God's people. More particularly, however, she interpreted her act of fornication as a sin against three specific godly households, which she appears to have listed in order of importance. The origin of her sin lay first in her neglect "of god and the things of god" in her youth despite the "wholl-som cowntells and instructions" given to her by her grandparents. Second, she sinned against Daniel Gookin and his household, despite the fact that he too had given her religious instructions, telling her that "sin would be bitterness in the end." Her sin against the Gookin household was compounded by the fact that Gookin had been "a father unto me" and had trusted and confided in her "as a guide in his family." The act by which she "dealth unfaithfuly with him" becomes almost an act of incest because committed "with one so nearly Related" to a man she described as a paternal figure. Finally, Hannah recognized her actions as a sin against "my Dear father and mother." Significantly, Hannah did not ascribe any early religious training to her father and stepmother, but noted that they (more than her other families) suffered the consequences

of her illicit behavior. Not only were her parents exposed to "greife and Reproach," but, because they would bear the financial burden of bringing up Hannah's bastard child, they would now be brought to "much trouble in their low Condicion."[78]

Hannah gave birth on December 12, 1684, in the company of four women at her parents' home in Billerica. Her stepmother, Ruth Ellice Bracket, acted as midwife; Elizabeth Bracket, Elizabeth Danforth, and Ann Kidder assisted with the birth and later provided testimony to the Middlesex County Court. Most, if not all, of the witnesses had family connections to either the Brackett or the Eliot family. In fact, the family relationships are somewhat complicated by the fact that the Bracketts and Eliots were distantly, but recognizably, related (see Figure 1).[79] The four women did their duty. Several times, and at the height of her labor, the women asked Hannah who had fathered her child. Her constant answer was "John Eliot." The women noted that Hannah "manifested so deep a sence of her great sin & apprehentions of gods wrath together wth prsent fear of death" that the group "in charity" believed they could not "but Judg that she spake the truth."[80]

Hannah Brackett's father, silent throughout her appearance in court, was drawn into the case near its end. John Brackett was not near enough

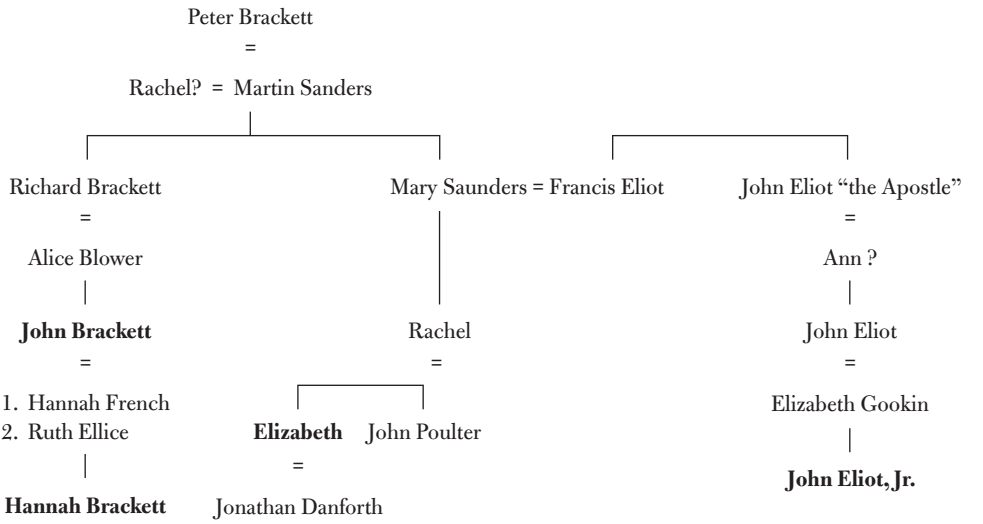


Figure 1: Partial genealogy showing relationship between Brackett, Eliot, and Danforth families

to observe Hannah's behavior with John Eliot and so could not testify at her trial. As a man, he would not have been admitted to the room where she gave birth. When John Eliot failed to appear for his April 7 court date, however, John Brackett did become involved. On June 17, Brackett finally petitioned the court. Although he petitioned on behalf of his daughter, his petition makes clear that the burden was his own. He requested that the court make a determination about John Eliot's responsibility for child maintenance quickly because John Brackett was by this point "much b[ur] dened & opressed for want of relief & by long & tedious waitinge."[81]

John Eliot and his family were a good deal less vocal. John Eliot denied Hannah Brackett's charge and so penned no lengthy meditations on his guilt. No bonds survive in the case between Hannah Brackett and John Eliot, but it is likely that Daniel Gookin posted bond for his grandson. Missing too are any lengthy petitions of the type Daniel and Mary submitted on behalf of their son under similar circumstances. Perhaps they have been lost, or perhaps Daniel suspected that John Eliot, and not one of the two men Eliot claimed to have seen with Hannah, was the father of Hannah Brackett's child. John's mother, Elizabeth Gookin Eliot Quincey, was living in Braintree and does not appear to have become involved at all. When John Eliot failed to appear for his court date in April 1685, however, Daniel Gookin went in his stead to inform the court that his grandson was ill.[82] If John Eliot later appeared before the court, that appearance was not recorded.

Hannah Brackett's confession suggests one way in which young women involved in illicit sexual activity interpreted their own actions. Because sexual misbehavior brought shame and expense to the sinner's family as well as contravening childhood teachings, many women interpreted sexual misbehavior as a sin against their own families. Equally significant, however, is precisely who Brackett identified as her family. In her confession, Daniel Gookin becomes as much of a father to Brackett as her biological parent was. Seventeenth-century proscriptive literature frequently enjoined masters and mistresses to consider their servants as they would their own children, and Hannah Brackett was not the only person to treat illicit sexual behavior as a betrayal of the quasi-parental bond between master or mistress and servant. As we will see in Chapter 8, however, sexual misbehavior separated kin-

folk from surrogate children. Family appeared in court for the John Eliots of the world, and they sent servants, like Hannah Brackett, packing.

The sources that document Daniel Gookin's disorderly household are uncommonly rich, but what do they really tell us? The most common objection to using court records to explore everyday life in early America is that the stories found in those records are deviant stories, the people they describe criminals. Using records about sexual crime to explore how seventeenth-century Massachusetts families worked might, therefore, provide us with nothing but an image of families who were fundamentally different from the norm, essentially deviant. But it would be hard to describe Daniel Gookin's family in this way. As a church member and magistrate, Daniel Gookin was almost the embodiment of an orthodox Puritan. What little we know about his wife suggests that she was the quintessential "goodwife." Daniel's sons went on to hold both civil and military offices. His daughters married well. Daniel's family suggests something we should know about our own times. Family problems were and are ubiquitous. Disorderly elements did not necessarily set a family apart from its neighbors. Daniel himself would have told us that sin was the universal human condition. A truly abnormal family would have been one in which its members had nothing to confess.

Indeed, Daniel Gookin left us with records that provide some insight into his altogether orthodox beliefs about sin and humanity. A copy of his profession of faith, given before the Cambridge congregation when he joined that church, has survived. Daniel recalled that, as a young man living in England, he had experienced sin as "a war in my members against Law in my mind." His "members" (parts of his body) strove to do that which his mind knew to be outside God's laws. It was a battle his mind, of course, lost on a reasonably regular basis. Indeed, a more spiritually mature Gookin came to the realization that the war was hopeless unless the Lord himself entered the battle as conqueror.[83] Daniel Gookin did not consider himself unique in this regard. His understanding of his fellow human beings was fundamentally rooted in one of the most central tenets of Calvinism: universal human depravity. Sin was the condition that united all of mankind. Sin was never acceptable, but it was also

never exceptional. In 1674, Daniel Gookin wrote a pamphlet that detailed the progress of Christian missions among local Indian nations. In the midst of describing the various Indian towns, Daniel paused to note that in Nashobah many people kept apple orchards, made hard cider from the fruit, and were "prone to the sin of drunkenness." Rather than condemning a specifically Indian morality, however, Daniel Gookin saw the universal state of human beings without Christ, writing, "yet such is the madness and folly of man naturally, that he doth eagerly pursue after that which tendeth to his own destruction."[84] The essential human condition was, in Gookin's eyes, quite simply, sin. In much the same way that Puritan ministers preaching execution sermons regularly pointed to the fundamental depravity of man and the universality of sin as part of the process of reincorporating a condemned man or woman back into the congregation, so Daniel Gookin understood the universal nature of sin as the fundamental link binding together all of humankind.[85]

The myriad sources on Daniel Gookin's life allow us entry into his mind in ways that are more complete than for most of the individuals discussed in this book, but his was certainly not the only "godly" household to be infected with sexual sin. The Mathers, Cottons, Sewalls, Dudleys, and Winthrops—to name a few of Massachusetts's more prominent households—also wrestled with family members engaged in sexual misbehavior. In fact, Roger Thompson has found that 47 percent of the fornication cases that came before the Middlesex County Court in the seventeenth century involved at least one party from a church member's family. The number was close to two-thirds in cases of bridal pregnancy and still significant when the charge involved the more serious crime of adultery.[86] Furthermore, the stories related here are united by Daniel Gookin's household, but they are not bounded by it. The Mannings, Parkes, Parkers, Stevensons, and Bracketts were every bit as involved as the Gookins. These families may not have been as prominent as the Gookins, but they were, for the most part, still upstanding and godly families. William Manning was a selectman when Daniel Warro impregnated his slave, Hagar.[87] William Parke was a prominent deacon in Roxbury. The Parkers may have been poor and had a dissolute reputation in Lancaster, but Edmund Parker was a church member who had all his children baptized in Roxbury.[88] Hannah Stevenson may have had a

reputation as a company keeper, but her mother, Jane Stevenson, recited her conversion narrative before the same minister to whom Mary and Daniel Gookin gave theirs.[89] Hannah Brackett's grandfather, with whom she probably spent much of her childhood, was a deacon, town clerk, selectman, and deputy to the General Court.[90] Sexual misbehavior was not confined to some seamy underside of Puritan society. The families and individuals described here run the gamut from those who gloried in their profane ways to those whose ways were generally godly but for the occasional slip.

The unfortunate series of events that took place in and around Daniel Gookin's household begin to suggest a few things about how family government worked in practice. The first thing to note is the degree to which power over dependents resided in the hands of fathers/masters as heads of household. These men—and they were usually men, although widows could serve in similar capacities—exerted a great deal of control over their families, and their authority was backed by the full force of the state.[91] Many historians have cited statutes in various New England colonies that prescribed the death penalty for children who rebelled against or offered violence to their natural mothers or fathers. Although indicative of the attitudes of colonial authorities toward the ideal relationships within families, these statutes were rarely if ever enforced. Charges like those brought against Daniel Warro and his fellow revelers are somewhat closer to the lived experience of dependents in seventeenth-century Massachusetts. Not only might unruly dependents be charged with crimes against their masters or fathers (or parents), but those who facilitated their behavior by granting them access to their homes at "unseasonable times of the night" or who allowed them to drink surreptitiously in their taverns might face charges of violating family government as well.

Paternal power was backed by the state, but fathers also derived power from their economic position as the holder of family resources. Fathers controlled who could and could not have access to shelter in their homes. In the case of misbehaving children and servants, this usually meant kicking misbehaving servants out and taking unruly sons or daughters

in, as happened when William Parke spirited Elizabeth Parker out of Roxbury, and Edmund Parker adamantly insisted on keeping her. As we saw in the case of Hannah Stevenson and her father, Andrew, the Middlesex County Court could order Hannah to care for her bastard child, but it could not force Andrew to accept the child into his household. Andrew may have been conspiring with his daughter, but the choice was his to make. Fathers also exerted a more subtle financial power over their dependents. The clearest example from these cases is posting bond for pregnant daughters. Because the practice was so common, its significance is easy to miss. Sarah Poore and Mary Lovell, two women we will meet later in this book, could have testified to its importance. Both women lacked fathers willing and able to post bond for them after they were indicted for fornication. Both women gave birth in jail.

And yet there was a catch. Political thinkers regularly enunciated an analogous relationship between heads of households and heads of countries, and local authorities entrusted fathers and masters with maintaining order in their own households, as if heads of household were simultaneously agents of the state.[92] Even in the most godly and civic-minded households, however, the goals of the father/master and those of colonial authorities were frequently in conflict. Colonial authorities were interested in seeing the guilty punished and order maintained. Fathers and even masters, however, were often more interested in protecting their dependents from harm—even if that harm was the natural consequence of their own behavior. Fathers could, and frequently did, shield their dependents from the consequences of their actions, and at times they could become downright obstructive. Edmund Parker is an excellent example of a father who put the needs of his daughter and grandson above the wishes of local authorities. But Daniel Gookin falls into this category as well. His quest to free his former slave Sylvannus Warro both contradicted the order of the Suffolk County Court and infringed on the rights—distasteful as they might be—of his fellow householder. The biggest difference, ironically enough, is that it was the poor farmer rather than the wealthy magistrate who was successful.

As powerful as fathers and masters were, however, they were not the only source of authority, and they did not oversee the behavior of their dependents alone. Members of both nuclear and extended families were

central to policing sexual behavior. Close attention to the identity of witnesses reveals the outlines of the family networks who took primary responsibility for overseeing sexual behavior. Occasional nosy neighbors do, of course, sometimes make an appearance. In most cases, these were people who simply lived near the parties involved and happened to observe their behavior. Busybodies, then as now, were certainly present, but they do not represent the typical late seventeenth-century New Englander. It is much more common to find, as in the case of Hannah Stevenson and Samuel Gookin, that family members, other interested parties, and a few relative strangers observed untoward behavior and worried or gossiped about it for months, but only reported it when a precipitating event, like an unwed pregnancy, brought the problem to the attention of the courts. It should not be surprising, therefore, that Hannah Brackett's interpretation of her crime was, primarily, that of a sin against her family. As we will see in the next chapter, most women who penned similar confessions interpreted their behavior in much the same way.

Finally, the story of Daniel Gookin's household suggests something about the ties connecting dependents to the homes in which they lived and worked. Hannah Brackett's return to her father's household was typical. Masters rarely, if ever, allowed free white servants who engaged in sexual misbehavior to remain in their households. Often, as was true in Hannah Brackett's case, the removal of an erring servant was the obvious solution when that servant had been involved with another member of the household. However, masters also routinely ejected servants who had been sexually involved with people unconnected to their households. In both legal and religious terms servants may have been envisioned as surrogate children, but sexual indiscretions underlined just how tenuous was the quasi-familial bond that linked servants to their families of employment. Hannah Brackett was fortunate to have had kinfolk living in Massachusetts. Not all servants who found themselves in her position were so lucky. Prison and involuntary indentures often awaited women without local kin. Slaves and kinfolk both had more secure links to their households, and the consequences of sexual misbehavior were significantly less drastic for them. Daniel and Mary Gookin's defense of their son, their apparent refusal to believe that he had been involved in wrong-

doing, their willingness to post bond, and their petition to the court were typical of familial responses to an accusation of sexual misbehavior. Likewise, John Brackett's willingness to take in his daughter's bastard child (and his erring daughter) was the norm. Although Sylvannus Warro's story underlines the precarious position of black men in late seventeenth-century Massachusetts, Daniel Warro's story is the more typical of the fate of slaves convicted of sexual wrongdoing. Slaves could not simply be turned out of a master's household without significant financial loss. In many cases, masters or mistresses paid their slaves' fines or even petitioned the courts on their behalf. As will become clear later, the motivation was more likely to be financial than affective. Nevertheless, most slaves continued to labor in the households they had dragged into court with their erring ways.

This is not to say that sons, daughters, and slaves did not suffer adverse consequences for their actions. Even in those cases in which masters or family members posted bond, paid fines, accepted the financial responsibility for child care, or even paid to have bastard children cared for elsewhere, men and women who engaged in sexual misbehavior saw their intimate lives exposed before court officials and neighbors. There may have been less visible repercussions as well. There is, of course, no way to know what went on behind closed door and beyond the reach—or indeed the interest—of the colonial courts. There may regularly have been familial sanctions to which we are not privy. Did fathers, mothers, or masters beat pregnant daughters, philandering sons, or misbehaving slaves? Certainly, they would have been within their rights to do so. A "moderate" correction, if it had been noted by the courts, would probably have drawn their approbation. In the face of the courts, however, families with misbehaving kinfolk may or may not have had a unified center, but they did usually present a united front.

CHAPTER 2

Contrary to the Laws of God and This Jurisdiction

"David was a good man & yet comitted adultery." Thomas Longhorne knew his Bible. He was an unfaithful husband and a lecherous old man who forced his attentions on teenage girls, but he knew his Bible. In 1663, nineteen-year-old Elizabeth Holmes of Cambridge entered a complaint against Longhorne for uttering "filthy speeches, corrupt comunicaccon, & wanton conversaccon" to her in the course of attempting to get her into bed. Ironically, those filthy speeches included a biblically based argument. How grave a sin could adultery be if King David, that man so beloved of God, had committed it? Nor would their sin even be so great as David's, Longhorne pointed out, because he was not actually asking her to commit adultery. As "mr Rogers"—perhaps John Rogers who preached occasionally at Boston?—had said, "the Scriptr gave more liber[ty] to maried men than to maried women." Adultery, defined according to both Deuteronomy and Massachusetts law, was intercourse between a married woman and a man other than her husband. Thomas Longhorne was married; Elizabeth Holmes was not. Longhorne was familiar with Massachusetts law on the subject of adultery: "If a maried man comitt the act wth a mayd [its] not death but whipping, but if a maried woman with a man its death."[1] Although it had been twenty years since anyone in Massachusetts was

executed for the crime of adultery, it was still listed among the capital crimes of the Bay Colony. Neither Longhorne nor Holmes had any way of knowing that no one in the colony would ever be put to death for it again.[2] Thomas Longhorne was familiar with scripture, remembered at least the things that interested him from the occasional Sunday sermon, and he knew something of the law. In this, he was like most men and women living in late seventeenth-century Massachusetts. If his sexually predatory behavior differentiated him from the majority of his neighbors, his willingness to reinterpret religious and legal teachings to suit his own ends did not.[3]

Scripture, sermons, and laws all shaped the ways in which ordinary men and women in late seventeenth-century Massachusetts thought about sexual behavior. Ideally, all three sources worked in concert. Religious teaching originated in the Bible, was explicated by the ministry, and was enforced by the courts. The form of a felony indictment may have been taken from English proceedings, but it had real resonance in Puritan Massachusetts. Felons committed crimes that were "contrary to the laws of God and this jurisdiction." In an ideal world, these laws were one and the same. Although it would be easy to imagine that those men and women who appeared before the courts charged with sexual crimes differed significantly from their fellow Puritans—by being either too ignorant or too rebellious to subscribe to mainstream religious and legal teachings—such was not the case. The stories men and women told before the Massachusetts courts suggest that, for the most part, both the sinners and the sinned against were quite familiar with both religious teachings and the law. Most appear to have been in sympathy with what they often simply termed "Authority," even when they transgressed its teachings. Some did proclaim contrary ideals, but seventeenth-century people were not simplistic automatons who saw no options but utter submission or complete rejection. Individuals picked and chose, rejecting some ideas and embracing others. They reinterpreted biblical stories and legal concepts in ways that had meaning for their own lives. "David was a good man & yet comitted adultery." It was quite true; it was just not the point some hapless minister had hoped Thomas Longhorne would take from his sermon.

Historian David Hall has described the relationship between the clergy and the laity as one of give and take. Certainly, the clergy ex-

pected and were expected to educate their congregations in theological and devotional matters. As Hall points out, however, the clergy were also influenced by popular beliefs and secular works. Indeed, the interpenetration of clerical and lay beliefs was so complete, Hall argues, that it constituted a single, if oft contested, cultural system. New Englanders expected to read the Bible and interpret scripture for themselves. This, after all, was one of the central responsibilities of Protestantism, and New Englanders were in a position to acquit that responsibility because rates of literacy were high. Lay men and women, including those who never saw the inside of a courtroom, varied in their commitment to Puritan Christianity, however. While some faithfully attended church and took careful notes on the sermons, other "horse-shed Christians" napped through sermons and spent the time between morning and afternoon sermons gossiping or transacting business rather than reflecting on their ministers' words. Far from being intellectually dominated by the clergy, then, ordinary New Englanders acquired their basic spiritual worldview from the meetinghouse and used that foundation, in conjunction with other cultural resources, to interpret the world in ways that made sense to them.[4] Indeed, scripture and the law often shaped the way ordinary men and women understood the meaning of sex, even as their sexual experiences could shape their understanding of religion and law.

One of the most intimate ways in which ordinary men and women in seventeenth-century New England took the Bible and made it their own was to re-envision themselves or their adversaries as typologies of biblical figures. Taking on and assigning the role of biblical figures could lend moral authority to one's position, clarify power relationships, and serve as a powerful explanatory model. The story of Joseph and Potiphar's wife appears to have been particularly useful in this regard. According to Genesis, Joseph was sold as a slave to a man named Potiphar. Because the Lord favored Joseph, everything Joseph touched prospered, and Potiphar, seeing this, made Joseph the overseer of his household. Trouble began, however, when Potiphar's wife began to desire Joseph. She said to him, "Lie with me." But Joseph refused, saying, "There is none greater in this house than I; neither has he [Potiphar] kept anything back from me but thee, because thou art his wife: how then can I do this great wickedness, and sin against God?"[5] Potiphar's wife continued to press Joseph until she caught him in the house alone.

When she grabbed his clothing and once more demanded "Lie with me," Joseph ran, leaving some of his clothes behind. Potiphar's wife then went to her husband and told him that Joseph had attempted to rape her, but that she had cried out and frightened him off. She showed him Joseph's clothes as evidence. In response, Potiphar had Joseph thrown in prison on his wife's false accusation of rape.[6]

Ruth Shed alluded to the story of Joseph and Potiphar's wife when Thomas Wilkinson attacked her several years before she told her story in 1680. As the two were riding through the woods on the edge of the town of Billerica, Wilkinson brought his horse to a halt, informed Shed that "his yard [penis] was so stiffe that it Hindred him that hee could not ride any longer," and offered her money to have intercourse with him. When she refused, Thomas pointed out that they were alone with no one to see them, but Ruth replied, "god seeth us." When Thomas again offered her money, Ruth, echoing Joseph's words, said to him, "No, for how shall I do this wickedness and sin against god." By calling on the story of Joseph and Potiphar's wife, Ruth admitted her own vulnerability; like Joseph, she was alone with someone who had the power to undo her. But, also like Joseph, she valued her moral integrity more than her physical safety, as she emphasized in her next exchange with Thomas. When Thomas threatened to rape her, she countered his threat with one of her own: "if you do I will make the woods ring." Thomas pointed out that this was more likely to attract the attention of hostile Indians than helpful colonists, but Ruth told him "I had rather fall into the hands of the indians then Comm[it] this great wickednes with you." In the end, Ruth's quick legs proved to be more helpful than her sharp tongue, but her appropriation of Joseph's story reminded her, if not Thomas, that other virtuous people had faced down evil and been vindicated in the end.[7]

The story of Joseph and Potiphar's wife had particular resonance for Martha Beale, a servant living in Elias Rowe's house in Charlestown in 1686. According to Martha, John Rowe, the son of the household, desired her sexually and was willing to visit violence on her body in order to have her. Martha later told her father that John Rowe had once come upon her in the daytime and "hauled mee & strove to get his Will uppon my body." When he had "[ne]er mastored mee," as Martha put it, she "cryed oute & then he Left of[f] & begged of mee to forgive him."

Martha was too wise to put her trust in John's promises, however, and when she went to bed, she locked her door. But John was already in the room "secretly unknowne to mee." Martha was at first hesitant to cry out and disrupt her master's household. Instead, she struggled with John and tried to persuade him to leave her alone, saying "how Could shee Commit that that [*sic*] greate evill & sin against God with many other arguments of that nature." John, unsympathetic to Martha's portrayal of herself as Joseph, "got his will uppon my body by violence; & then hee went away." Martha then went to her master and told him, "Sir, I have Received an Abuse in youer house," but he replied, "dam you the devill take you doe not tell me of it." She then turned to Hannah Kellen, a married woman in the neighborhood, but Goody Kellen told her that although "shee pittyed her," she "Coulde not helpe her."[8]

For Martha, the salient point in the story of Joseph and Potiphar's wife was Joseph's vulnerable position as a servant. That Joseph was a man and she a woman was less important than the fact that both of them were godly people threatened by the sexual advances of a member of the master's family. When Martha asked John, "how Could shee Commit that that [*sic*] greate evill & sin against God," she attempted to shame him by comparing his actions to those of the villain in a biblical story. Martha was in an extremely vulnerable position. She, like Joseph, had failed to bring unwanted sexual advances to the attention of her master. After John raped Martha, she was in an even more perilous spot. She had engaged in sexual intercourse without crying out and alerting those nearby. As we will see in Chapter 4, screaming during an attack was usually considered evidence that a woman had not consented to intercourse. Failing to scream signified the opposite. Joseph's story provided an explanatory model. When she related her story before witnesses, she used a powerful metaphor to explain why a servant might not be in a position to call other members of the household to her aid. If Joseph was the wronged party in the story of Potiphar's wife, then surely Martha had been every bit as wronged by John Rowe.

But the story of Joseph and Potiphar's wife was an elastic one, and more than one party in the contest between John Rowe and Martha Beale could lay claim to it. Eventually, Martha Beale did tell her master that his son had raped her. John admitted to the encounter, although it is

unclear whether or not he confessed that Martha had resisted his advances. Elias Rowe told his son that he would have to marry Martha; Martha and her father agreed. Although marriage seems an odd method of resolving a rape complaint, it was not completely out of keeping with contemporary ideas. More than one couple was enjoined to marry after engaging in consensual sex as a way of mitigating the sin of fornication. According to Deuteronomy, marriage was also the appropriate resolution to the rape of an unmarried woman. Men who raped single women were, according to biblical law, required to pay a bride price to the woman's father, and "she shall be his wife; because he hath humbled her, he may not put her away all his days."[9] Rev. John Cotton had actually recommended enshrining a similar resolution into Massachusetts law when he drew up a model code prior to 1641.[10] His suggestion never became law, but questions about whether rapist and victim would marry do surface in the file papers of late seventeenth-century rape cases. Martha herself appears to have considered marriage to be the most desirable outcome for her after John assaulted her. As she put it, John "had defiled & unfitted her for Another man."[11] At first, marriage must have looked like a good option to John as well. Certainly, it was more attractive than a noose, but John quickly began to have second thoughts. He told Martha's father, "I am Loath to Marry with her for I Love another bettor."

Finally, the parties met at the home of Samuel Hunting in the hope that he could arbitrate their dispute. At this meeting, John pointed out that marriage was not really the best option for Martha either. After all, if he was such a horrible man, why would Martha or her father want to see the young woman so completely in John's power? "[W]hat if I should beate her two or three or half a dozen times a weeke," he asked. "[H]elp youre self if you can." But Martha persisted, and John lost his temper. In the beginning, all parties had agreed to keep the details of the marriage agreement and the events that had led up to it secret, but as John had begun to waver, Martha, evidently, had begun to talk. "[N]ow you make A blustor aboute towne & Country of it," John cried, "& see what youle get by it." John went on the offensive and began to claim that Martha, not he, had instigated the relationship. "[Y]ou flunge nuts at mee & entised me," he said as he turned to leave the room. And then Martha's metaphor of herself as Joseph broke down. As John rose, "shee layed hold on

his Coate saying shee must speake with him." John turned to the other parties in the room and cried out "looke looke see Josephs mistris."[12]

If Martha's portrayal of herself as Joseph turned on questions of status, John's appropriation of the role highlighted the perils of gender. Whereas Martha used the story of Joseph to underscore the power relations between master and servant, John took on the role to explain a different set of motivations and power relations. Martha, like Potiphar's wife, had desired John in this version of events. Because she was a woman, Martha had the power to trap John with nothing but a false accusation. Martha could lie, play the injured party, and gather allies merely by blustering "aboute towne and Country," but she would never be more than the wicked character in a Bible story. If observers would just contemplate Genesis, they might see how a man could be wronged by a lustful and deceitful woman. That John, unlike Joseph, admitted to intercourse with this metaphorical "mistress" was a fact that John preferred his audience to ignore.

The story of Potiphar's wife was, of course, not the only biblical story that could be used to explain the power of a lustful woman. Richard Nevars believed that he had found his typology in the story of David and Bathsheba. According to 2 Samuel, King David rose late one night, walked out on the roof of his palace, and saw Bathsheba bathing. David inquired after her and, despite the fact that she was married, sent messengers to bring her to him. David had intercourse with her and returned her home. Unfortunately for David, Bathsheba conceived. David first tried to conceal his actions by persuading Bathsheba's husband to lie with her. When he refused, David sent him to the front lines of battle so that he would be killed. After the death of Bathsheba's husband, David married her. The biblical story contains no condemnation of Bathsheba, who does not appear to have had a great deal of choice in the matter, but it does specify that "the thing that David had done displeased the Lord."[13] The figure of Bathsheba has, however, traditionally been interpreted as that of a temptress. An English ballad published in 1670, for instance, invited the listener to be tempted along with David:

> She stood within a pleasant Bower
> all naked for to wash her there,
> Her Body like a Lilly-flower,

was cover'd with her golden Hair:
The King was wounded with her Love,
and what she was he did require,
He could not his Affections move,
he had in her such great Desire

Bathsheba, in this version of the story, was quickly won over to the king and spent the night happily "in sport."[14] David, "wounded" by the sight of the lovely Bathsheba, becomes in some sense the victim of the piece.

Richard Nevars was no King David. He was a servant in the household of Richard Gardiner of Woburn. In 1675, Anna Gardiner, a daughter in the household, became pregnant and accused Nevars of forcing her to have intercourse with him. Because contemporary medical theory held that conception required both men and women to reach orgasm and produce seed, early modern people generally believed that conception required consent. Since Anna was pregnant, the case could not be prosecuted as rape, but Richard Gardiner brought a civil suit claiming that Nevars had "deflowered" his daughter. Nevars confessed to having sex with Anna Gardiner, but the story he told painted Anna as the true instigator of their encounter. According to Nevars, after Anna's mother had gone to bed, Anna "sent Away the children from har one purpas that she mought have my compani A lone." She then sat and waited for him to appear. Richard, for his part unaware of Anna's plans, rose out of bed and came downstairs. There he found Anna "A Lone by the fire side haveing All har cloathes off But har inar garment." As he watched, Anna walked to a "vessel of water." She began to wash herself, raising her shift, as Nevars put it, "higher then I am willing to tel the corte." In a moment of weakness, Nevars failed to either "withstand the temtacion" by leaving the room or rebuke "har emoudisty." God then withdrew his grace from Richard and left him "to commit that sin of unclenes" with Anna. Anna, however, "was willing And Reddy to Acsept of my desier."[15] True, Richard had sinned by fornicating with Anna, but he had been greatly provoked. If he failed to ignore or rebuke this metaphorical Bathsheba, was he really any more guilty than David had been?

Anna, not surprisingly, had a different version of events. In her telling, she was Tamar, not Bathsheba. Richard was the villain who "most wikedly & subtelly Ammon like watched his opportun[ity]" to attack her.[16] The story to which Anna referred was that of Tamar and Amnon as recounted in the second book of Samuel. Tamar, Amnon, and Absalom were all children of King David. Amnon was the half brother of Absalom and Tamar. Amnon lusted after Tamar, but, because she was both a virtuous woman and his half sister, he could see no way that he might have her until a "subtil" friend suggested a ruse. On the advice of his friend, Amnon pretended to be sick. When his father, King David, came to see what was the matter, Amnon requested David to send Tamar to prepare a meal for him. Tamar dutifully arrived and began to cook, but Amnon would not eat until all the men of the household left them alone. When the men left, Amnon asked Tamar to lie with him. Tamar refused and begged Amnon not to rape her, telling him that David, their father, would permit their marriage if Amnon only asked. Amnon, almost certainly realizing that this was unlikely, raped Tamar, refused to marry her, and sent her away. Absalom counseled Tamar to keep quiet about the matter, presumably because it was a family affair. Tamar retired to Absalom's house to mourn, and, after plotting revenge for two years, Absalom finally had Amnon killed.[17]

Anna's appropriation of Tamar's role allowed her to emphasize two important points to her side of the story: her role as a dutiful daughter and her betrayal by a member of her own household. According to Anna's version of events, Richard Nevars chose his opportunity well. Anna had been up all night "watching"—presumably over a sick friend or relative—two of the three nights previous to the attack. On the day Richard raped her, she had spent the entire morning washing. She was "weary with washing & drowse, & sleepie, sitting asleep by the fire" when Richard came up behind her "on a sudden unknown & unheard." By the time Anna woke up enough to understand who her attacker was and what he was trying to do, it was too late: "be[ing] oppressed with & tired by him he forced his will on her."[18] She, like Tamar, was left to cry and mourn. Also like Tamar, it was her own virtue that had gotten her into trouble. Tamar was exposed to a rapist because she obeyed her father and went to perform domestic duties for her half brother. Anna, worn out

with housework, was caught unawares. But Anna, like Tamar, was also raped by someone she should have been able to trust. As a servant in the household, Richard Nevars was in a very real sense a member of the family. This was a theme about which Anna's father had a great deal to say. When Richard Gardiner sued Nevars for deflowering his daughter, he described Nevars's actions as a betrayal. As a servant in his household, Nevars "was in duty bound to his power not onely to maintaine but by his faithfull dilligent & sober Conversation to promote the outward comfort & credit of me & mine." But Nevars instead practiced "A secret wicked trade labouring to poison some of my family with Abscene & fillthy discourse" and "by subtillty to deflower my daughter Anna."[19] Well might Anna have described Richard as "Ammon like."

Not everyone who drew comfort from religious or scriptural sources necessarily inserted themselves into Bible stories, of course. Perhaps the most common response made by women fending off unwanted sexual advances was simply to remind the male in question that "God sees" even when no one else could. Indeed, when John Law tried to seduce Elizabeth Dane, a married woman, he told her "no body sees," but Dane told him "if no body did see god did see in the darke." She then proceeded to enact a scene straight out of one of Increase Mather's sermons, bidding Law to "hold his hand on[e] half houer in the fire" before she would consent to have intercourse with him.[20] In her testimony before the court, Dane offered no explanation for what seems at first an almost inexplicable demand. She seems to have expected her listeners to be familiar with a story Increase Mather would relate in one of his sermons fifteen years after her appearance in court:

> I remember one of the Ancients speaks of a Chast Woman who being sollicited by a profane vile Wretch to sin against God, desired him for her sake, to hold his hand in the fire but one quarter of an hour: That (said he) is an unreasonable desire, but ask any thing of me that is reasonable and I'le do it for your sake: To whom she replyed, *Is it unreasonable for you to hold your finger in the fire one quarter of an hour for my sake, and do you think that it is reasonable for me for your sake to consent unto that, for which my Body and Soul must burn for ever in the fire that cannot be quenched.*[21]

Perhaps the story was a commonly told one in earlier sermons, or perhaps Elizabeth Dane was also familiar with Mather's "ancient" authority.

Seventeenth-century New Englanders were also capable of citing chapter and verse—often without any further explanation—to make a point. Anna Gardiner's father appears to have been critiquing Massachusetts's legal system with the list of expenses he submitted to the Middlesex County Court. The first item on that list was what Richard Nevars owed him "for deflowering his daughter anna what the law of this Jurisdicktian or in want there of the word of god directs in exodus 22: 16 and 17 verses."[22] The verses (King James Version) read: "And if a man entice a maid that is not betrothed, and lie with her, he shall surely endow her to be his wife. If her father utterly refuse to give her unto him, he shall pay money according to the dowry of virgins." Gardiner listed the price next to that entry as zero. Initially, the jury in Gardiner's case did him one better. They found a "special verdict" indicating that their judgment turned on the bench's interpretation of a Massachusetts statute. They believed that Gardiner's claim pointed to a defect in the colony's code. The Massachusetts Laws and Liberties stated that in cases where no specific law applied, suits were to be determined "By the word of god." The jury stated that if they were empowered to apply biblical law in Gardiner's case, they would award him twenty pounds.[23] The bench's answer does not survive, but Gardiner must have initially been awarded the money, because Richard Nevars appealed his case—and won—the following year. Richard Gardiner was not the only one to cite chapter and verse to make a point. When Edmund Pinson, with whom we will become more fully acquainted later, married Sarah Dexter, he received an unpleasant shock on his wedding night. Several months previous to their wedding, Sarah had traveled to Boston, become involved with a sailor, and was, by the time she married Edmund, no longer a virgin. To add to Pinson's difficulties, he had married Sarah against her parents' wishes, and they were threatening both to disinherit Sarah and to sue Edmund. Edmund Pinson, not one of New England's deepest thinkers, attempted to repair the breech with his in-laws by explaining to them why they should be grateful he had married their daughter. In a letter to Sarah's parents, Edmund directed them to "pray reade the 22th Chapter of Deutrynomy and see wt God sayth shall be Executed on those, who are found as I

found hur."[24] Deuteronomy 22 directs that a woman who is found to have lost her virginity before her wedding night should be stoned before her father's door. Richard Gardiner—perhaps to his surprise—was initially awarded his daughter's bride price; Edmund Pinson, however, was most unlikely to see his wife stoned before her father's door.

Not surprisingly, some of the most orthodox interpretations of scripture and theology appear in the confessions submitted to the county courts by men and women who had been convicted of fornication.[25] Such documents straddled the civil and religious realms. Although the confessions were submitted to civil authorities, and their most common purpose was to beg for judicial clemency, the ways in which confessors interpreted their actions were primarily religious in nature. In the years between 1660 and 1700, twenty-five confessions, written on behalf of twenty-nine defendants in cases of fornication and premarital fornication, survive in the papers of the Suffolk and Middlesex county court files.[26] Although heavily influenced by context—petitioners had a vested interest in interpreting their actions in specific ways and appearing penitent, since each was appealing to the courts for a lesser sentence—the confessions do offer a window into some of the ways late seventeenth-century New Englanders thought about illicit sexual behavior and demonstrate that even convicted sinners were steeped in orthodox knowledge if not in its practice. Seen through the lens of these petitions, nonmarital sexual intercourse was a sin that offended God, endangered their communities, and transgressed family teachings.

Minister John Williams described sexual sin or "uncleanness" as "a Sin loathsome in it self," which also "makes those who are guilty of it, loathsome to God."[27] Almost every fornication confession described nonmarital intercourse as a sin and labored to convince the magistrates to whom the confessions were addressed that the authors were aware of the seriousness of the offense. Fornication was a "great eniquity," an "abominable sin," and "an avil and scandelous sin."[28] It brought "the Insupportable displeasure of god" and "greived his good and holy spirit."[29] Supplicants professed shame and a desire to be humbled. Samuel and Lydia Wright were particularly graphic in this regard, as they professed a desire "to be trewly humbled before God . . . And with Job obhor our selves and Repent in dust and ashes and to loth both

the sin and our selvs for it."[30] Some confessors, like Walter Pore, wrote that initially they "did not understand or mind the greatnes of that my Sin of fornicacon" but that they had come to "see and feele the great and many Abominable Evils, thereby by mee Comitted."[31] John Woodward's heart desired that "god would give mee a true sight of sin & sorrow for itt."[32] Well might they have struggled. According to Williams, sexual uncleanness had a "hardening and stupifying power" that inhibited acknowledgment of and repentance for sin.[33]

According to the ministry, sin arose from three primary sources: the corrupt nature of human beings, the temptation of the devil, and God's propensity to withdraw his restraining grace from sinners, thereby allowing them to commit ever greater sins. Cotton Mather warned that persons in an unregenerate state lived in constant danger of being sunk into an ever-deepening pit of sin: "An Offended God, sometimes for *Sin,* gives men up to a *Singular Energy* of Satan; and *Then!* Then they go on to *Sin,* with a very *Satanical Fury.*" What began with a "*Lascivious* Heart" could end in slavery to sin and the devil, and ultimately in damnation:

> But under this *Diabolical Possession,* there is no property of the *Devil,* more commonly to be noted, than of his being, *An Unclean Spirit. An Unclean Spirit* often Seizes the Heart of a man, that hath Invited him. And that Heart, then becomes an *Oven,* that has the *Fire of Hell* upon every Temptation glowing in it: The *Vile Affections* of *Uncleanness,* do then Shake off their Bridles: The *Beast* is by some *Devil* Spurr'd on to Exorbitances that cannot be imagined: When the *Spirit of Uncleanness,* hath taken the Sinner, 'tis very Rare . . . that they Stop, till they be run down into the *Deep,* of Perdition, with their *Brethren.*[34]

If confessors were not quite as vivid in their descriptions, they recognized the same basic etiology of sin. Hepsibah Taylor confessed that she had a "natural inclination" to sin.[35] Hannah Spring failed to avoid calamity because she trusted in her own strength to avoid temptation.[36] Susannah Woodward succumbed to "the [t]emptations of Satan, and her owne wicked heart," as well as to the wiles of her master's son.[37] Joseph Bent fell into sin "through the temptation of Satan and the provocation of my

owne lust."[38] Deliverance Pollard found that through "the holy permissive providence of God" she was "left to follow the corrupt Inclinations of her vile heart & Instigations of Satan."[39] Elizabeth Bent confessed to the sin "the Lord hath left mee sadly to fale into."[40] John Woodward found that fornication was a sin "thatt god hath Justly left mee thereto."[41] Sarah Vinton believed that her "Rebellion and disobedeance against god and against all my teachers" had "provoked the lord Justly to leave me to Commett the sin of [for]necation."[42] The temptations of the devil, one's innate weakness, or the retraction of God's grace might all explain sexual sin, but, as preachers preached and congregants understood, none of these explanations lifted the blame of transgression from the sinner.[43]

Nor was fornication simply a matter between individual sinners and God. John Williams called sexual uncleanness "such things as defile the Land" and "A Sin that hath ruined and made desolate Nations and Lands, guilty of it: It drowned the Old World; it brought down Fire and Brimstone on *Sodom* and *Gomorrah*."[44] Patrick Ker asked, "How many Kingdoms hath it set on fire? How many Cities hath it overthrown?"[45] Although historians have generally concentrated on the economic perils bastardy might visit on small communities, those who penned fornication confessions focused on the spiritual hardships sexual sin wrought on towns and churches. Many penitents acknowledged that sexual sin affected the entire community by virtue of its evil example and by the grief it brought to neighbors or fellow church members. Abigail Grant considered fornication a sin against "the place where she liveth."[46] John Woodward believed that in committing fornication, he had "caused greefe to the harts of gods people & greeved my good naybors."[47] Samuel and Lydia Wright regretted that they had "trobled the church."[48] But sexual sin could cause more than grief; it could be quite literally infectious. Hannah Brackett believed that she had committed "a land defileing sin."[49] Walter Pore feared that he had sinned "to the evil example of others," and his wife, Trial, believed that she had "given evel exampeles unto others whereby thay ma[y] by the same be provocked to sinn."[50] Hepsibah Taylor hoped that her prosecution might wipe out this bad example by being "a warning to al that may haer of it."[51]

Men and women interpreted their sins in surprisingly similar ways.[52] Both described fornication as a sin against God and their communities. One interpretation of the effects of fornication was unique to women, however. Women, but not men, interpreted fornication as a sin against their families. Out of the twenty-five surviving confessions, fifteen were written by women. Eight of these confessions (and one written by a newly married couple) identify fornication as a sin against the family. We have already met Hannah Brackett, who described her sin as an offense against her grandparents, her parents, and her master's family because it not only represented a rejection of their teachings but because, in her parents' case, it would bring "much [financial] trouble in their low Condicion."[53] Another woman believed that she had sinned "to the greate Dishonour of God and to the greate grefe of my Pearnce [parents] and Relations."[54] Sarah Vinton's sin wronged her master's family and brought "Reproach to [th]ose that hath been in Steed of parrants to me."[55] Hannah Spring and Trial Pore, like Hannah Brackett, emphasized a rejection of parental teachings. Trial wrote that she had "sined aganst my parents" and that if she had regarded their "instrucstions and admonissins" she "mite a bene presarved from this shame."[56] Hannah Spring sinned expressly "against al the good instruction and Education" that her parents had given her.[57] Presumably parents tried to instill "good instruction and Education" into their sons as well as their daughters, but it was the sexual sins of daughters that reflected most keenly on families. Sons might confess to fornication in court and pay child support for a few years, but daughters brought home bastard children. Young women might well identify their families as one of the chief victims of their sexual transgressions.[58]

There is no way to know, of course, how sincere these confessions were. Men and women who stood convicted of fornication had a real interest in appearing sorry for what they had done. Judges looked more favorably on fornicators who they believed were truly penitent and might accept fines in lieu of corporal punishment or mitigate fines already imposed. Certain aspects of the confessions, such as respectful posture toward the magistrates and acknowledgments that the court's judgments were just, do appear to have been relatively formulaic, and particular interpretations of the seriousness of sexual sin and whom it offended were common. Joseph Grant began his confession, "I most

Humbly accknowledge the Authority that the lord hath set over mee: that they are men of widdome & understanding."[59] Hannah Spring had "Justly fallen into the hands of Justice."[60] When John Thompson found himself in the uncomfortable position of disagreeing with the bench, he nonetheless struggled to acknowledge the court's wisdom. Thompson had been named the reputed father of Sarah Vinton's child and required to pay child maintenance. Although it later became clear that he was not the father of the child, Thompson had to pay child support until he could get a court order. In petitioning for such an order, Thompson mentioned his relatively low child-support payment and noted, "I am bound [to] acknolieg The wisdome and Justious of This Cort: [t]hat It was noe more."[61] In other ways, however, the petitions are surprisingly eclectic and individualized. Two men interpreted fornication as a sin against their own bodies.[62] Joseph Bent, echoing the book of Hebrews, identified fornication as a sin against "the estate of mariage wch God as a bed undefiled hath apointed."[63] These men may have been trying to impress the county court with their knowledge of the Bible or theological concepts, but they were not following some standard script.[64]

Although most confessors claimed full responsibility for their actions, some used their confessions to point out what they believed to be mitigating circumstances in their particular cases. Mary Ball, who was impregnated by her master, claimed that her "owne heart" deserved full blame for her sin. However, she also pointed out the particular difficulties of her situation. Because she had been seduced where she lived, she had not erred in "wandring abroad from her family," and the "occasion" of her fall was "from such an one I expected rather good councell from."[65] Elizabeth Wells acknowledged briefly her "Sinfull miscariage" but believed that she had been "humbled or Laid Low" more by her master's son than by her own inclinations. Susannah Woodward made it clear that her master's son was the instigator of their encounters and that he had come to her when she "was in bed with two children" and so presumably had no plans for a liaison.[66] Joseph Bent had not only committed fornication before his marriage, but had subsequently denied that his wife's baby was his. He laid at least part of the blame on his family's bad advice, writing "my temptation was great from my Relation and the

force of said Cousel I met withal."[67] Ebenezer Austin blamed "sum friends" for his decision to plead not guilty to premarital fornication and request a jury trial in the hopes that the jurors might be more easily deceived than the justices.[68] Anna Gardiner was unwilling to confess to a crime she believed she had not committed. Although she claimed that her father's servant, Richard Nevars, had raped her, the case was prosecuted as fornication because Anna had become pregnant. Much of Anna's confession is taken up with a recounting of the rape; she carefully confessed only to concealing the incident until her pregnancy became too advanced to hide.[69]

With all of their quirks and exceptions, however, most fornication confessions portrayed a very orthodox worldview in which sexual misconduct was a heinous sin that disrupted the sinner's relationship with God and affected communities and families. They affirmed theological and legal teachings that thundered from pulpit and bench. The idea that the sins of individuals might be visited on communities as a whole was a central tenant of New England's covenant theology. This is doubtless what Hannah Brackett had in mind when she referred to her "land defileing sin." The concept that sin resulted not only from a person's innate weakness and the temptations of Satan, but also because God willfully abandoned sinners to commit ever greater sins, was also a very orthodox idea. One can almost hear, ringing in the background, Cotton Mather's warning that "the most *Fearful* of all those *Judgments,* are least of all observed Namely, The Judgments where in the Holy God Punisheth one Sin with another, and Leaves a woful Sinner, yet more wofully to Sin against Him."[70] Within the text of fornication confessions, illegal sex was always sinful, and the judgment of bench and jury was always just.

It should come as no surprise to us that ordinary men and women in Puritan New England were familiar with religious teachings and scriptural stories. Ministers had access to two main platforms through which to educate the populace. The most common was probably also the most effective: the pulpit. Every week, ministers preached morning and afternoon, and all members of the community were required to attend. Not everyone did, of course, but prolonged or repeated absences often resulted in legal prosecution. Ministers also took advantage of print to reach larger audiences. Throughout the seventeenth century,

there were at most two presses in Massachusetts Bay, one at Boston and one at Cambridge, and their productions were largely limited to compilations of laws, sermons, and moral or devotional literature. Even the almanacs, produced annually after 1645, were stripped of references to religious feast days or astrological predictions, in keeping with the tenets of the orthodox New England churches.[71] Print was probably not as important an educational tool as spoken sermons. Printers typically produced small runs of only five hundred or fewer copies for sermons. Even Cotton Mather was unable to give away more than six hundred printed sermons per year, and he appears to have handed them out everywhere save street corners.[72] Although literacy rates were probably higher in New England than anywhere else in the world, there were still many who were not functionally literate. Books were expensive, and many people owned only a Bible or no books at all. Nevertheless, printed sermons gave some the opportunity to reflect on and study the words that were otherwise all too ephemeral.

Somewhere along the line most people appear to have picked up a working knowledge of the law as well. Parents were required to teach their children to read the capital laws of the colony, and it is quite possible that many adults got their first legal lessons at their parents' knees.[73] The laws were also published periodically, and some men and women probably became familiar with ordinary statutes by reading them. For most, however, the spectacle of court days provided the basis for their legal knowledge. Attendance was not required at the sittings of the colony's various courts, but court days were popular times to transact business, socialize, and observe the drama of other people's problems. When men and women listened to the courts' proceedings, they also became more familiar with the law and the consequences of transgressing it. Some people explicitly evaluated the seriousness of moral offenses by their judicial penalty; Thomas Longhorne, after all, found it important that adultery was a capital offense and fornication was not. Samuel Sprague told his would-be sexual partner, probably disingenuously, "I due not thinke it is any sin for a man to lie with a woman If she be not with child by him."[74] Since very few people were prosecuted for fornication in the absence of an illegitimate pregnancy, what Sprague probably meant was that fornication was only wrong if you got caught.

Some New Englanders quite consciously rejected laws intended to regulate sexual behavior. This is particularly clear with regard to laws governing marriage formation. The Anglican church considered marriage a sacrament; valid and regular marriages were solemnized by clergymen. New England Puritans, recognizing only those sacraments for which they saw biblical justification, considered marriage a civil contract, which should be handled by representatives of the civil authority. Most couples, of course, were married by a magistrate and lived in reasonable peace until their marriages were dissolved by death. If they cared by whose authority they had been joined, they left no record of it. However, two divorce cases, both instigated by deserted wives, record the objections of their now-absent husbands to New England lawmakers' efforts to rewrite the rules. When Mary Sanders petitioned for divorce in 1674, she claimed that her husband had deserted her four years earlier by going "abroad at Sea So noe wise considering the condition of his poore wife and Child at home to send any thing for their relief."[75] William Sanders's location was not unknown, however. Three men testified to encountering him in Barbados and London. When Philip English came upon William in Barbados, William told him that "he had noe wif: but the woman which was Called his wif he was Nott Legally Maried unto her butt that he was forced to Doe what he Did in Respect of her and that he was Maried by a Magestrate and not by a Minister and for that Reson Did Disowne her to bee his wif."[76] The marriage was probably an unhappy one from the beginning. William Sanders and Mary Vocah had married after being convicted of fornication. The courts had imposed an unusually severe sentence to be enforced "unless they agree to be married."[77] By the time Daniel Webb and Stephen Swasy caught up with William in London, he had remarried "unto a woman of the Cuntry" and denied that this second marriage was bigamous because he had been "illegally forced to Cohabitt with a woman there Contrary to his Mind: and furth[er] said that was Done was Don by a Magestrate and not by a Minister and therefore unlawfull."[78] Ten years later Sarah Cooper found herself in a similar situation. Her husband, Thomas Cooper, impregnated their maid and fled to England but later settled in Rhode Island. Sarah's brother-in-law (by her first and now deceased husband) visited Cooper, questioned him

about the incident with his servant, and verified that he had remarried. The brother-in-law returned to Massachusetts with a letter, which Thomas instructed him to give either to Sarah or her brother, that would "Cleer his former wife, so as that she might marry with whom she would."[79] Sarah petitioned for a divorce on the grounds of desertion and infidelity, claiming that Thomas had "renounce[d] his marriage covent. wth me, because not married according to the Law of England."[80] The court granted both divorces.[81]

Other men and women, who did not necessarily object to civil marriage, nevertheless rejected New England's more rigid enforcement of marriage law by attempting self-divorce, which was illegal, but customary, in England. The most direct route was for one party simply to leave and not return. Certainly many of the petitions for divorce submitted by women before the higher courts in Massachusetts tell tales of men who absconded and remarried. Rarer are tales like that of Hannah Goss, who ran away to Jamaica with one of her children and found another husband. Hannah orchestrated not only her own de facto divorce, but a child-custody agreement as well. When her first husband sent his representative to Jamaica to retrieve his son, Hannah refused and went before "Authority" to plead her case, telling them "that Philip Goss had one of the children & she would keep the other."[82] Other separations focused on financial matters. Ann Thayer's husband offered "for to give her fourty shilling p year and so be shutt of her," but Ann thought she could do better and threatened that she "rather thought it best to informe the Court."[83] There is no evidence, however, that either actually petitioned for a divorce. Thayer's husband was more generous than some. Abigail Johnson complained that her husband simply threw her and her children out of the house and then "posted me at Capt Eells his shop in hingham and at the toune house in boston that none should buy nor sell to me."[84] Elizabeth Lawson made a similar complaint that her husband "caused papers to bee set upon posts in Boston that none should trust hi[r]."[85] These postings were, of course, the precursor to the eighteenth-century runaway-wife ads that frequently appeared in colonial newspapers. Lawson's husband attempted to follow up his homemade divorce with a contract. Elizabeth Lawson claimed that her husband "hath urged mee to put my hand to a writting that I would noe more trouble him, that

hee might marry with another woman whome hee hath promised marriage after my death, who would goe with him to Jameca Barbados or through the world."[86] Each of these stories survives only because at least one party in the marriage knew that neither desertion, nor bills posted in public, nor contracts executed in private constituted a legal divorce. The Court of Assistants granted Philip Goss's request that his marriage be dissolved.[87] The outcome of the other two cases is unknown.

Elizabeth and Henry Stevens may have been the exception that proves the rule. Elizabeth Stevens had lived in Rhode Island before she petitioned for divorce in Massachusetts. She claimed that her husband had beaten her, threatened her, and engaged in adultery "wth severall Woomen & that nott wth those of our owne Nation onely." He had also "publiquely disowned mee giving me a writeing of divorce."[88] Whereas other women took similar evidence to court as proof that their husbands had no intention of reconciling with them, Elizabeth, when she was brought before a court in Rhode Island, tried unsuccessfully to use her homemade divorce paper to prove that her marriage had been dissolved. Her husband had evidently already gone his own way. One deponent in Rhode Island claimed that Henry Stevens had attempted to contract marriage with a woman in "pascattaways," in Maine. When Henry came before the Rhode Island court, he "Confesed hee had A wife in the naragansett Country [Rhode Island] butt wass divorced from her."[89] Elizabeth then produced the paper in court, whereupon Henry "owned it." Rather than legitimating this self-divorce, however, the Rhode Island court admonished Henry and told him "not to act Contrary to his [marital] Engagement."[90] The Massachusetts General Court was kinder, however, and dissolved the Stevenses' marriage in 1670.[91]

Seventeenth-century New Englanders' knowledge of legal and religious teachings appears to have been both widespread and fairly precise. Most colonists were familiar with religious concepts, biblical stories, and scriptural passages, and had a working knowledge of the laws pertaining to sexual crime. In many cases, colonists applied this knowledge in ways that suggested their own values were in line with those of the bench and pulpit, as when Ruth Shed cast herself in the role of Joseph to shame a sexual aggressor, or Elizabeth Dane used the example of earthly fire to demonstrate the pains of hell to her unwanted guest. Such imagery

could be useful to shame sexual predators or give strength to those being tempted or tormented. But religious and legal concepts were mutable, and not everyone familiar with them put them to the uses their promoters had intended. Many took these concepts and used them to their own significantly less moralistic ends. Ironically, the willingness of some to reshape or even pervert biblical stories and local laws suggests just how completely even sinners had internalized legal and religious precepts. Men and women who engaged in illicit sexual activities might have been sinful by the standards of their day, but they shared a common religious and legal culture with their more well-behaved neighbors.

CHAPTER 3

Lawful Remedies, Diabolical Erections, and an Unwanted Suitor

"If shee was not good a noufe for to make his wife shee was not good anouf to make his whore," Christopher Grant told Sarah Crouch one evening in 1669. The Puritans had many words for sex. Sex was "uncleanness" and "abuse." It was also "fellowship," "communion," and "due benevolence." Christopher admitted that since he and Sarah were not married, sex would be an "abuse" toward her and a sin, although only a "light sinn then that mite be pardened." Christopher reassured her, however, that he would first commit a sin with her and then make it right, for any man who would "ofer such abuse to any maid" and not marry her was "a roge in his harte." Sarah, on the other hand, "wold have him marri me fourst," but consented after Christopher reassured her "it would not be knowen if he married me soone after." Christopher congratulated himself on curing Sarah of the "green sickness," a disease known to plague sexually mature virgins, and claimed her as his own—at least in private.[1] Christopher's argument pointed, however inelegantly, to two opposing ways of understanding sex. Before marriage, Sarah was a whore and Christopher a potential rogue. After marriage, she would be a wife and he, presumably, a husband. (Unfortunately for Sarah, Christopher Grant proved himself indeed "a roge in his harte" nine months later.)

In this world marriage transformed the meaning of sex. Although conventional wisdom attributes a dour asexuality to seventeenth-century folk, the Puritans, as historian Edmund Morgan pointed out seventy years ago, "were not ascetics."[2] Chastity was a virtue, but celibacy was not necessarily so. Fornication might be a sin, but husbands and wives who failed to render one another "due benevolence" sinned as well by leaving their spouses vulnerable to the temptations of masturbation, fornication, adultery, or even sodomy and bestiality. As seventeenth-century New Englanders understood it, sexual intercourse was a necessary part of a healthy adult life. Indeed, complete sexual abstinence was considered not just unhealthy, but nearly impossible for adult men and women. Seventeenth-century people categorized sexual intercourse among a host of other bodily needs such as food, drink, and sleep. As with all physical appetites, there were appropriate and inappropriate ways to satisfy the need for sexual intercourse. Marriage changed the meaning of sexual intercourse from "abuse" to "due benevolence," but the relationship worked both ways. Even as marriage made sex lawful, sex completed marriage. A celibate union was no marriage at all. Since marriage marked the beginning of adulthood, a man who could not consummate his marriage was not only no husband, he was not even a man. The connection between sex and marriage had one dangerous pitfall, however: while Puritan authorities agreed that sex was a necessary component of marriage, they feared the possibility that sexual attraction could lead to unsuitable marriages. Puritan reformers attempted to contain the disruptive power of premarital sex by departing from English practices in significant ways, particularly by strengthening the authority of parents over their children's marital choices. Their success was partial at best.

The Lawful Remedy

> Thus, I say, when God had created the World . . . he brought Man into the World as into his own Possession; and that he might not be disconsolate, nor solitary, gave him a Woman for a Helper & Companion, infusing into them a force of love and desire towards each other. And of procreating their likeness, having pre-

> pared for that purpose a swelling Humor or Spirit, and Organical parts, and that the one thro' fear or neglect, should not be induced to decline the Society of the other, he added Allurements, and desire of mutual embracing, that so they might in procreation be sweetly affected, and pacified by wonderous ways, for unless this was natural to all kind of Creatures, they would be regardless of Posterity, and procreation would cease, whereby mankind would quickly be lost, and the Affairs of mortals of no durance.
>
> —*Aristotle's Masterpiece* (London: J. How, 1684)

> Appetite: The determinate desire to satisfy the natural necessities, or fulfill the natural functions, of the body; one of those instinctive cravings which secure the preservation of the species.
>
> —*Oxford English Dictionary,* "appetite 3"

Aristotle's Masterpiece, a popular seventeenth-century sex manual available in both England and the English colonies, described the origin of sexual desire as "a swelling Humor or Spirit." As male and female bodies filled with seed made of distilled blood, this "swelling Humor" desired an outlet. This desire was natural both in terms of God's larger scheme of procreation—for otherwise "mankind would quickly be lost"—and in terms of maintaining a healthy body. When seed was retained for too long, it might produce disease within either males or females. Regular sexual intercourse was one way in which men and women regulated the humoral balance within their bodies. The main pleasure in sex—orgasm—was thought to stem from the release of pent-up humors. Insufficient sexual activity might cause anything from the green sickness, a condition to which female virgins were thought to be especially prone and which supposedly plagued Sarah Crouch, to headaches and forgetfulness.[3] The release of humors was not, however, an unmitigated good. Evacuation was meant to regulate an internal system. Sexual intercourse was healthy only in moderation. An excess of sexual activity—just like an excess of exercise, hot or cold weather, or certain types of food—might deplete the body, bring the humors into imbalance, and engender disease. Excessive sexual activity was also thought to be less pleasurable. Since the pleasure of orgasm derived from the release of

retained humors, that pleasure was greatly diminished when the humors had insufficient time to build up. Because all of the body's systems were connected through the humors, sexual activity could affect widely disparate parts of the body. Too much sexual intercourse could, for instance, make a man grow bald, since it depleted his body of a moist humor needed to grow hair.[4] Only a moderate sexual appetite, regularly but not too frequently indulged, was conducive to a healthy body.

The idea of sex as a natural appetite had particular resonance in early modern Protestant culture. One of Martin Luther's central complaints about the Catholic church, after all, was that it required its clergy to remain celibate. Although it is easy to focus on Luther's (and later Puritan authors') criticism that the Catholic clergy was all too often unchaste, Luther believed that the ideal of a celibate clergy was both unbiblical and unreasonable. Luther described the gift of celibacy as "a special miracle of God," which was bestowed on "not one in a thousand." For most people the natural and godly dictate to "be fruitful and multiply" was simply too strongly implanted to be ignored. Monasteries were methods of "resisting nature" by physically restraining men and women from fulfilling the "ordinance and disposition" implanted by God. "If men are really able to resist God's word and creation with iron bars and bolts," Luther wrote, "I should hope that we would also set up iron bars so thick and massive that women would turn into men or people into sticks and stones." Sexual desire, he implied, was an absolutely fundamental part of being human.[5]

Seventeenth-century Protestant authors echoed many of Luther's sentiments. Cotton Mather considered it "a great abuse which the Ancients who doted upon *Virginity,* put upon those words of the Apostle in Rom. 8. 8: *Those that are in the Flesh cannot please God;* when they suppose all *Married Persons* to be *Those* intended." Indeed, "A *Vertuous wife* is one that *pleaseth* God, as much as if she were cloistered up in the strictest and closest *Nunnery;* and there with yea, there-*in* she pleases a *Vertuous Husband* also."[6] William Secker, also in the mood to bash Catholics, considered it "*strange* that that should be a pollution which was instituted before corruption; or that impurity in the state of *Innocency;* or that they should make that to be a sin, which they make to be a Sacrament." His conclusion, couched in the language of appetite, was that monastic

"exalting of a Virgin-state" was rather like "him that commended fasting when he had fill'd his belly."[7]

To say that seventeenth-century clergymen taught that sexual desire was a natural appetite is not to say that it was unproblematic. Indeed both the "natural" man or woman and "appetites" were suspect in Puritan thought. Human beings were, after all, fallen creatures, and they implicated the entire natural world in their fall. Appetites were desires for good and necessary things, but for human beings in an unregenerate state, they were also perverted from their original and perfect purposes. William Secker's comparison of sexual abstinence and fasting was an apt one. A human being's appetite for sexual intercourse was not that different from the appetite for food and drink. James Fitch, a pastor in Norwich, Connecticut, implied as much when he taught that unregenerate people "take more pleasure to please their appetite with meat and drink, and to content other sensual lusts, then to feed upon the flesh, and drink the blood of the Son of God."[8] John Downame, an English author popular in seventeenth-century New England, connected a variety of physical appetites when he recommended "moderating the delights of the taste, in the temperate use of diet, and abstinence from gluttony and drunknenesse," as well as "vigilancy and abstinence from immoderate sleep," as the best means of preserving one's chastity.[9]

No one advocated depriving the body of adequate food, drink, rest, or entirely of sex. Indeed, excessive bodily deprivation was associated not with true religious devotion, but with the ignorance and excesses of the hated Catholic church. Just as sexual desire might give way to masturbation, fornication, or adultery, immoderate desires for food, drink, and rest might give way to gluttony, drunkenness, or sloth. The key to satisfying the appetites within lawful bounds was to avoid excess and to choose appropriate times and outlets. A meal that would be acceptable on an ordinary day was sinful during a public fast when men and women were called upon to limit their intake of food and drink as well as to abstain from sexual intercourse. Sexual activity, "if it bee neither immoderate, immodest, nor unseasonable," was chaste so long as it took place in "the holy and honest estate of marriage."[10] John Downame took great pains to explain that the human body, in and of itself, was not evil or sinful, although, like the soul and the mind, it had been corrupted by

the Fall. Although some ignorant people—mostly Catholics—"objected that whoredome, surfetting and drunkennesse, proceede from the body and sensual appetite and are sinnes proper unto them," Downame pointed out that the mind was equally implicated because it had the responsibility to rein in the body's appetites and because "the soule by the body taketh pleasure in eating, drinking and satisfying of the lusts." However, Downame was quick to remind his readers, "[n]either are these actions in themselves sins, but the immoderation and excesse, or the misapplying of them to wrong objects." None of God's gifts—whether food, drink, rest, or sex—were innately evil. "Lust it selfe," proclaimed Downame, "in it[s] own nature is not evill, for then it could in no case be lawfull."[11] The "lawfull" outlet for lust was, of course, marriage. *Aristotle's Masterpiece* put it more simply, advising readers, "Nor was it the least care of the Almighty, to ordain so near a Union, and especially for two causes, the first for the increase of Posterity, the second to bridle and bound Man's wandering Desires and Affection."[12]

The idea that sexual appetite was a force that could not safely be restrained indefinitely was enshrined in Massachusetts Bay law. The 1641 Body of Liberties stated that no one should "willfully and unreasonably deny any Child, timely or convenient marriage, or . . . excercise any unnatural severity toward them."[13] This law was enforced in 1679 when George Parminter and his wife were indicted for committing premarital fornication. Evidently their explanation of their fault gave the Middlesex County Court pause. The court respited their sentence and instead summoned the couple's parents "to appeare to give answr, why they denyed them the consumation of their marriage for so many months after they were in order thereto."[14] The effort to contain sexual appetite also explains why Massachusetts Bay authorities were so adamant that husbands and wives live together. Seventeen men and women in Suffolk and Middlesex counties in the years 1660–1700 were charged with living apart from their spouses and enjoined to return because authorities believed that married men and women who were cut off from the sexual outlet of their spouses' bodies were "under greet temptations heer."[15] Massachusetts Bay courts also broke with English precedent—and the practice of most colonies south of New England—by refusing to grant divorces *a mensa et thoro.* Separations of bed and board, which did not

include the right to remarry, they believed, left vulnerable men and women too open to the temptation of adultery. When Massachusetts Bay authorities granted divorces, therefore, they dissolved marriages entirely so that both partners were free to find new spouses.[16]

Although seventeenth-century people expected both men and women to desire regular sexual intercourse, there is some evidence that they believed men's appetites to be stronger. Certainly, in most of the stories told before the Massachusetts courts, it is men who figure as the aggressors asserting their sexual needs. Women in these stories either refuse or yield. One of the more colorful courtroom tales in this vein involved a man with an extremely dissolute reputation (Thomas Wilkinson), a married woman (Mary Toothaker), some shirt cloth, and, most unlikely of all—a cheese. Mary Toothaker testified before the court in 1680 that Thomas Wilkinson had passed by her home late one evening about twelve years before and requested shelter, claiming that the night was too dark for him to find his way home. The next morning, Wilkinson overheard Mary tell her husband of her plans to purchase shirt cloth from a local weaver. When Mary's husband left, Thomas offered his assistance, telling her "that hee would help her to a shirt cloth for her Husband" and "that he would make his pay for it presently, if shee were willing to it." Mary replied tartly "that shee would see him hang'd first." Thomas attempted to sweeten his offer, Mary recalled, by telling her "that hee would give her a cheese also, for hee had great needs." Mary did not deny the possibility that Thomas had "great needs," but pointed out that "hee had a wife of his owne," and counseled him to apply the appropriate remedy—"if hee were in such need to make hast home to his owne wife." Thomas tried once more to arouse Mary's interest by pointing to his assets, saying "look you here . . . & with that came walking to her, with his Nake[d]ness uncovered." If his goal was to engage Mary's sexual as well as her pecuniary interests, he failed. Thomas left the Toothaker household unsatisfied, but if the other tales told about his exploits are any indication, he did not "make hast home to his owne wife."[17]

Women, like Mary Toothaker, who encountered male sexual appetites rarely challenged that a man had "needs," but they did quite often assert that another woman—the man's wife—was the appropriate outlet. Mary

Toothaker, of course, responded to Thomas Wilkinson's advances by advising him "to make hast home to his owne wife." When John Law propositioned Elizabeth Dane, she "asked him if on[e] wife were not enough."[18] Hannah Stevenson, although not known for sexual continence, told Thomas Longhorne that she thought "it was a shame for him that had a wife of his his [*sic*] own to play with girles." Longhorne told her that "though he had, yet he might play with girles there was no harm in that"; yet even he could not quite get marriage out of his mind when he thought about sex.[19] Six years before his encounter with Hannah Stevenson, Longhorne had been convicted of speaking lasciviously to Elizabeth Holmes. He talked to her repeatedly about the mechanics of sexual intercourse, telling her "Hee would teach m[e] How to ly with my husband."[20]

Ironically, however, it is references to women's sexual appetites that appear most frequently in Massachusetts court records. Women sometimes mentioned being tempted by offers of illicit sexual activities. Elizabeth Dane refused John Law's advances in no uncertain terms and suggested that Law's wife was the appropriate outlet for his urges, but the story she told suggests that a battle of wills took place, not only between Dane and Law, but within Dane herself. John Law was a most disreputable figure: a drunk, a pursuer of other men's wives, and a blasphemer who claimed that a neighboring church member had "Eaten & drunken [his] damnation Long ago" by receiving communion.[21] He was probably not, at first glance, a particularly tempting fellow. Law had arrived at Elizabeth's home uninvited one evening when she was alone with her son, a servant, and young children. He asked to light his pipe, then requested a glass of cider, and finally stalled until the children had gone to sleep. When he and Elizabeth were alone at last "he profered to show all," but Elizabeth "catched up the child and said wt vementzy [vehemency] I will not I will not and torned my face from him." Yet, Elizabeth recalled, "he still tempted me." Elizabeth then "asked him if on[e] wife were not enough," but "he said if I have any thing to spar[e] wt is that to any body." And, Elizabeth recalled, "he still Tempted me and said no body sees."[22]

References to women's sexual appetites occur most often in the context of divorce petitions. Puritan reformers in Massachusetts deviated

from English practice by instituting full legal divorce, which they hoped would make households more stable by legally separating couples who absolutely could not live together in peace.[23] Although annulments were possible in England, they were both rare and extremely difficult to obtain. Full legal divorces *(a vinculo)*—as opposed to divorces *a mensa et thoro,* which did not allow either party to remarry—were completely unavailable in England until 1698 and were available only to the very wealthy by acts of Parliament after that date.[24] Divorce was never common in seventeenth-century Massachusetts, but it was legally available to people of all stations who presented the right complaints. Although Massachusetts Bay never passed legislation specifying legitimate grounds for divorce, the superior courts granted divorces for desertion and nonsupport, marital infidelity, and—most important for the purposes of this chapter—male sexual incapacity.[25] A man who could not sustain an erection had no right to enter into marriage, with all of the political and social advantages that the status of husband conveyed.

Women commonly referred to their own unmet sexual desires when petitioning for divorce. The references were not gratuitous, since the power of human sexual appetites was one of the motivations behind instituting full legal divorce; but neither were they entirely formulaic or necessary. Most of the women who mentioned their frustrated sexual needs petitioned for divorce on the grounds of desertion, and showing evidence of long-term nonsupport or remarriage on the part of one's husband was all that was required of a successful petitioner. Hannah Eyres petitioned the Massachusetts General Court for a divorce in 1685. According to her statement, her husband had left her six years previously. After using all of the property she brought to the marriage, he traveled to Virginia and Rhode Island. Hannah followed after him, but her husband always managed to abscond just before she caught up with him. Her husband's behavior, Hannah told the court, exposed her both to poverty and to "sore temptations incident to such a distressed Condition" by her husband's "hiding himselfe from his owne flesh."[26] The outcome of her case is unknown. In 1663, Margaret Bennet petitioned for a divorce on behalf of her daughter. Margaret claimed that her son-in-law was impotent, that he had refused to seek medical treatment despite a previous instruction by the court to do so, and that his inability to satisfy his wife "Layeth

your petitioners daughter under great temptation."[27] Sarah Rogers petitioned the General Court for a divorce in 1700. Like Hannah Eyres, she was a deserted wife who had sought her husband far and wide. Like all deserted wives who petitioned the courts for a divorce, Sarah was concerned about finances. She claimed, however, that money was not her primary concern: "more than that she looks upon it unsafe, and unwarrantable for her self to continue in such a solitary desplate, deserted condition." Because she was not able to accept another's proposal of marriage, she had no "way to free herself from the difficulties and t[he] temptations she is thus exposed unto."[28]

Divorces granted on the basis of desertion rarely had consequences for the man involved. Most absconding husbands had spirited themselves out of the jurisdiction of Massachusetts Bay and had often remarried by the time their wives petitioned for a divorce. In the absence of modern record keeping, bigamy was a relatively easy crime to commit, as long as one was willing to leave the colony, or, better yet, the continent. Men who were unable, rather than unwilling, to have sex with their wives, however, could see their lives turned upside down and their hopes for adulthood dashed.

Goodman Mousall's Diabolical Erection

"When first I married I thought myself sufficyent," admitted Elias White, "otherwise I never would have entered into that estate." Elias had been unable to consummate his marriage, and so in 1663, three years after they were wed, his wife sued him for divorce. His mother-in-law, petitioning on behalf of her daughter, Mary, asked the court "seriously to consider of the condishon of my daughter (under how many temptations she is subject in this condition that she now liveth in)." The ensuing divorce had consequences for both parties. While Mary was freed to find another husband and escape her "temptations," Elias was forbidden to remarry and subject to a fine if he attempted to do so.[29]

Prohibitions against marriage did more than deny impotent men the delights of marriage described in sermon literature—a faithful companion and helpmeet. They denied impotent men, like Elias White, entry into the world of adulthood. Seventeenth-century Massachusetts was a world divided into fathers and sons, servants and masters, those who

had authority and those who were under authority. He who was not a father was still primarily a son. Since all persons were required to live "under household government," he who was not a master with a household of his own was under the government of another man. In a very real way, patriarchal authority was tied to sexual performance. Women who petitioned for divorce on the grounds of impotence referred to "supposed," "outward," or "pretended" husbands. Husbands who were unable to perform were not simply impaired men, they were sham spouses. The connection between sexual potency and household authority had cultural meaning beyond the few women who claimed their husbands were impotent and petitioned for divorce. It was that almost instinctive connection between patriarchal status and an erect penis that led a jealous and insecure John Foskett to accuse his neighbor of deriving his wealth and position from the devil who "stood by his beds side and Caused his members to rise."

When John Foskett dictated his will in 1688, he may have looked back over his life and found little of which he could be proud. At the age of fifty-two, he was living in a house on his former father-in-law's land, surrounded by the land of his estranged eldest son, Thomas.[30] It was not uncommon for a father to deed his land to one of his children in exchange for care in his old age, but that is not what had happened here. Foskett's father-in-law, Robert Leach, had given his grandson his land in return for care in his final years. As Foskett told the man writing his will how he wanted to dispose of his estate, his son was certainly on his mind. As he recited his father-in-law's generosity to his oldest son, he also told his scribe that Thomas would receive only a token five shillings from him, both because Thomas was already settled on his grandfather's land and for "some other Considerations that I shall here forbear to mention."[31] Perhaps the causes of the estrangement were too painful to mention aloud. Perhaps they were too embarrassing. What little we can glean from the records of John Foskett's life suggests a man who consistently failed to find respect as a patriarch.

Indeed, Thomas continued to flout his father's authority even after the old man was in his grave. John Foskett had little property, but he had a large family, including at least four minor children, for whom his

now-widowed second wife would need to care.[32] It is not surprising, then, that John Foskett chose to leave the bulk of his estate, including his house and its contents, to his widow, with the provision that she should be empowered to sell any portion of it should she need to in order to support the children. Foskett's widow, Hannah, was not, however, destined to enjoy the small estate in peace. Shortly after his father's death, eldest son Thomas, in collusion with his adult siblings and their spouses, attempted to take control of his father's erstwhile dwelling place and turn his stepmother and younger siblings out in the cold. Hannah Foskett testified shortly after her husband's death that she was forced to leave her home "becas of the many horabell Abuses that I mett with from thomus foskit: & som of the Rest of the children." Thomas entered her house armed with an ax and used it to break open a chest full of her personal belongings. He warned her against entering the land she thought of as her own. Then he cut down the corn growing in the fields near her house and nailed up her barn door so that she was unable to feed her cattle. Finally, in an attempt to protect her property from her stepson, Hannah locked the doors and nailed shut the windows of John Foskett's house, but when she returned, she found her "dores was brocking open" and one of her stepchildren living in John Foskett's house.[33]

Hannah Foskett complained to Authority, but her complaint raised a difficult question. Had John Foskett actually owned the house in which he had lived? The evidence was ambiguous. The legal question at issue had to do with exactly what sort of gift Robert Leach had given his daughter and her husband. On this question, Robert Leach's will, written a scant three years before John Foskett's, was frustratingly imprecise. Although it specified that Leach's gift to his grandson did not include "the house of John ffoskitt and the Land it Stande on with a free Liberty to Come unto the said house," it was unclear whether Foskett owned the house outright or simply had something similar to the "life estate" often given to a man's widow.[34] If Robert Leach had given his daughter or the Foskett couple the property outright, then the property belonged to John Foskett after her death. Since, under the law of coverture, a wife's property became that of her husband in most circumstances, John Foskett would have had a good title to whatever Robert Leach had given his daughter. In that case, John Foskett would have been perfectly within

his rights to bequeath it to his second wife. If, however, Leach had simply given his daughter and her husband the right to occupy the land while they lived, then the property would revert to Leach's heirs after John Foskett's death. Had John Foskett not remarried, the issue would probably never have surfaced, because ordinarily Thomas would have been the principal heir of both his father and his grandfather. Because John Foskett remarried, however, the precise nature of Robert Leach's gift became an issue. John Foskett, in bequeathing the property to his second wife, assumed that Leach's generosity had involved a gift in fee simple. Thomas Foskett, however, assumed that his father had simply been occupying the land on his grandfather's sufferance after his mother's death, much as a widow occupied her deceased husband's land after his death but during her life. A widow granted a life estate had the right to live on her deceased husband's property, but that right terminated with her life. The full ownership of the estate accrued to the husband's heirs after the widow's death. Once his father was dead, Thomas acted as if the property reverted to him. Perhaps fearing that his stepmother would favor her children from her first marriage when the time to write her will arrived, Thomas quickly asserted his right to the property by intimidating his stepmother and installing one of his adult siblings in his father's house. He may technically have been within his rights. His grandfather's will was frustratingly ambiguous, but Thomas's willingness to infringe upon the rights his father had granted his second wife (especially in view of her obvious need to support a house full of children) bespeaks not only an avaricious man, but also an undutiful son.[35]

When the exact relationship between John Foskett and his house came into question after his death, men in the town responded by testifying to what they remembered Robert Leach saying about the house and acre of land on which John Foskett lived. John Mousall, who, ironically, had been engaged in a dispute with Foskett about the state of his own manhood thirty years before (of which more later), recalled that Leach "had giving John foskitt that Acaker of land on the back sid of the hill" and that Foskett had "yoused" that land for thirty years. But Leach's gift had come shortly after Foskett married Leach's daughter and was, apparently, not accompanied by a deed of gift.[36] Thomas Lynde remembered only that Robert Leach had told him after Elizabeth Foskett had

died "that John foskitt had an intrest in thos buldings which he lived in."[37] Did Foskett actually own the land or was his "interest" a life interest similar to that of a widow? Arguably at stake was the answer to the question: Had John Foskett been more like an adult man or an old woman? If Thomas Foskett's actions after his father's death are any indication, John Foskett, at least in his oldest son's eyes, was less than a man.

There is evidence that John Foskett was a man vulnerable to slights about his status long before his son evidently betrayed him by giving his primary allegiance to his grandfather. The records available tell the tale of a man who lived in various states of dependence throughout his life. Born in England, John Foskett immigrated to Massachusetts Bay in his early twenties.[38] Within five years, he had married Elizabeth Powell, the adopted daughter of Robert and Mary Leach, and was living in their household with his wife and two sons. It is hard to imagine that the arrangement was a comfortable one. English men and women, in both the colonies and the mother country, were usually expected to postpone marriage until they were financially able to set up their own households. Why John and Elizabeth chose to marry—and why Elizabeth's parents permitted the marriage—in the absence of those resources is unclear. Although the Middlesex County court records do not document a fornication or premarital pregnancy charge, it is always possible that the couple managed to hide bridal pregnancy behind a claim of premature birth or that the couple was charged in another county whose records for the late 1650s or early 1660s are incomplete. Perhaps there was no pregnancy, and Robert Leach simply thought that John Foskett's prospects were brighter than they were. For whatever reason, John Foskett found himself in the unusual position of being a father and husband while living as a dependent under his wife's parents' roof. He was never admitted as a freeman of the colony and so could not vote. Politically, John Foskett remained a child (or a woman) for his entire life.

Nor do his occupational prospects seem to have improved substantially over the course of his lifetime. When he was forty years old, Foskett sued a man identified only as "Mr. Howard" for failing to pay wages after Foskett had worked as his shepherd.[39] At the age of forty, a successful man would have been hiring shepherds of his own. The inventory taken

at his death suggests that any improvement in his material condition had come from his second wife. Foskett's will included a provision that his widow should have "all that she brought on marriage to me ie. Plate, Pewter, brass, Linnen, bedding and other household Stuff," and, for the most part, his household possessions suggest a moderately well-to-do man. His inventory included eight chairs in a period in which households often had only one chair, if they had any at all. The inventory was textile rich in a period in which textiles were precious. His bed was curtained, even if the bedstead was "old," and table linens remained, although the table itself had been reduced to an "old Table frame." The inventory devoted little space to Foskett's farming implements; he owned only a few tools and a handful of animals. Although there is evidence that he—or his wife—made beer, he does not seem to have practiced any craft. The "Bible, wth other books," suggests that Foskett (or his wife) could read, but the mark in place of a signature on his will suggests that he could not write. Foskett's first wife had been a church member, but neither John Foskett nor his second wife were ever admitted. Almost forgotten and tacked onto the end of an already totaled inventory was scribbled "An old Cutlass."[40] A sword was a sign of rank as much as a weapon, and perhaps no one had thought to look for a sword in the late John Foskett's house. But our story begins years before, when John Foskett was still a young married man.

From John Foskett's less than desirable position, John Mousall must have looked as if he lived a charmed life in the summer of 1663. While Foskett was living under his in-laws' roof, John Mousall had already amassed many of the important symbols of manhood. Mousall's father had settled an estate worth £140 on John before his death. The gift included a house as well as land suitable for both agriculture and animal husbandry. According to his father's will, he could expect another sixty pounds, in land and money, once his mother passed away.[41] Mousall was married and the father of one young child. The couple kept two servants, one male and one female. Although John Foskett and John Mousall were about the same age, only one of them was, without question, a man.

The dispute between Foskett and Mousall began, however, as a disagreement between two people who were unquestionably dependents.

Sometime early in the summer of 1663 Elizabeth Mousall, John Mousall's wife, caught her neighbor, armed with a copy of *The Expert Midwife,* courting her servant. Elizabeth promptly confiscated the book and forewarned the young man, Thomas Tirrell, from pursuing his suit.[42] The book dealt primarily with methods of safeguarding pregnancies and delivering babies, and was, with the important exceptions of its chapters on monstrous births and sex with demons, probably a rather dry, dull read for a young man.[43] The book had its legitimate uses, but, in Thomas Tirrell's hands, it signaled to Goodwife Mousall that her servant's suitor was up to no good. As mistress of the household and in the absence of her husband, Elizabeth Mousall was perfectly within her rights to control access to her servant.[44] The matter might have ended there had Tirrell's cousin, John Foskett, not interpreted Goody Mousall's actions as a threat to his own authority. Foskett's status, of course, was ambiguous. It may have been even more so in this instance, because the man Foskett identified as a cousin was also his father-in-law's servant.[45] When Goody Mousall denied Thomas Tirrell access to her servant and confiscated his book, John Foskett found it intolerable that Goody Mousall, a woman, should have more authority than he. Shortly after Goody Mousall turned Tirrell away, Tirrell returned to the Mousall household accompanied by John Foskett, who carried a stick. Both cast aspersions on Goody Mousall's right to direct her household when it came into conflict with the rights of John Foskett. Tirrell "tould the said goodwife Mousall that she had medled with that which she had nothing to doe with, in forwarn[ing] of him of her maids Company."[46] John Foskett told her "That hee had as much to doe with the mayd as I In Regard Thomas Turri[ll] was his couzen."[47]

The dispute quickly escalated, with John Foskett calling Elizabeth Mousall "Jade and whore," as well as claiming she "was a lyer and [her] f[a]ther before [her] with Sundry other uncivill speeches." Elizabeth again demanded that the men leave her home, but Foskett refused, saying that he "had as much to doe there" as she did. It was doubtless the noise that attracted the attention of Elizabeth's husband, John Mousall. Goody Mousall was, of course, only the deputy. John Foskett's dispute was really with John Mousall. John Mousall quickly surveyed the situation and ordered John Foskett out of his house, but Foskett "made an-

swer hee [Foskett] had as much to doe ther as hee [Mousall]." A challenge had been issued, and mayhem ensued. Foskett grabbed Goodman Mousall by the shoulder and struck him with the stick he had brought with him. John Mousall grabbed Foskett and threw him bodily out the door and into the yard. Thomas Tirrell rushed to his cousin's aid but was prevented by the timely intervention of Mousall's servant, Paul Wilson.[48] In the meantime, Foskett grabbed a piece of iron from the entryway and again attacked John Mousall. Elizabeth Mousall rushed out into the yard to help her husband, and Foskett turned the brunt of his attack on her. As she later told the story, "[Fo]skit struck mee all along in my owne yard and Tore my Cloathes from my body." Elizabeth broke away and ran for a magistrate. As she ran, John Foskett "bad her goe for the devell was at her left hand."[49]

John Foskett's uncovering of Elizabeth's body might be seen as an attack on her chastity, but, given the context, Foskett's actions probably had more to do with John Foskett than with Elizabeth. Tearing the clothes from Elizabeth's body was a similar act to entering Mousall's house without leave; it demonstrated Foskett's ability to literally trespass on Mousall's rights. John Foskett's main concern was not with Elizabeth's sexual body, but with her husband's. Although Foskett called Elizabeth "Jade and whore," those insults were so commonly hurled at women that, in the absence of descriptive details, they had become fairly generic insults.[50] The claim that Elizabeth "and [her] father before" her were liars probably had a more specific antecedent. John Mousall appears to have considered this the more important insult directed at his wife, for this is the one he specifically mentioned in his later complaint to the county court. Unfortunately, the nature of that prior dispute has left no trace in the historical record. Foskett saved his more creative—and more meaningful—sexual insults for John Mousall. First, Foskett charged that Mousall had "showed his members [penis] to goodman bullyard to or three times the other day when thay wear ashering of the sheepes."[51] Then, standing before the symbols of Mousall's patriarchal authority—his house, his wife, and his servant—Foskett cried "that all that he had was the dev[ill's] for he stood by his beds side and Caused his members to rise."[52] Justice was coming, however, and the man whose authority—and erection—arose from a diabolical compact would meet an appropriate

fate. John Foskett turned to a neighbor who was observing the commotion and told him "that John mousholl Liyed and the divell would have him and all that hee had at the Last." Whereupon John Mousall, tired of trading insults and blows with someone who "ackted more lick a child then a man," turned away and left Foskett railing.[53]

John Foskett's first attack on the Mousall household was about bodies—uncovering Elizabeth Mousall's body in a very literal way and the workings of John Mousall's verbally. It was also a dispute about who controlled access to sexual bodies. Who had the right to determine the company the Mousalls' servant could keep? The Middlesex County Court answered that question without regard to the nuances of the attack. On 16 June 1663, the court convicted Foskett and Tirrell of "violence used, agt John Mousall & his wife, in their owne house, & using sundry scurrilous and reproachfull Expressions" and Tirrell of "making love to the mayd Servant with out orderly leave."[54] No one seems to have taken the charge of Goodman Mousall's diabolical erection very seriously. But Foskett and Tirrell were not finished with the Mousalls yet. If their first attack on the Mousall household was about who controlled access to sexual bodies, the second was about property, and the Mousalls still had in their possession something that Foskett and Tirrell believed should be in theirs. Shortly after his conviction, Thomas Tirrell called on the Cole family, told Ursula Cole that Elizabeth Mousall had taken a book from him, and asked her if she could get it back. When Goodwife Cole inquired after the title of the book, Tirrell told her it was "the exspert midwife," to which Goody Cole replied noncommittally that "it was hard coming by such a bock." Tirrell replied that "hee wood hav it or else hee wood brek up all the bocks in John mousals house & farther said that he wood hav it if that it war in thee hous or else hee wood loos his life or else Good wife mousale shod lose hers." John Cole suggested to Tirrell that if he had proceeded more carefully, he might have saved himself the fine and still had the girl. Tirrell replied, "no mater for that it is but so much lent." Apparently no longer interested in the forbidden servant, Tirrell reiterated his threat about the missing book.[55]

A little over two weeks later, Thomas Tirrell apparently made good on his threat.[56] On August 26 a group of people—almost certainly Tirrell, Foskett, and two of their friends—entered the Mousall home and very

nearly destroyed it. The violence was focused primarily on textiles. The Mousalls' servant, Paul Wilson, testified that "their Bed was cutt & their bedding, & their wearing apparell Linnen & woollen & their Curtains; In so much that they had not a rag to put on but what they then had on their backs."[57] Textiles were particularly expensive items in the seventeenth century, and so it makes sense that an intruder intent on destruction would turn his anger on these items. And yet it is hard not to think back to John Foskett tearing the clothes off Elizabeth Mousall. The textiles the intruders destroyed were not only valuable; they were symbolic as well. The vandals destroyed the fabric that was intended to cover John and Elizabeth Mousalls' bodies, as well as the bed in which they engaged in marital relations. The Mousalls suffered theft as well as vandalism. The constable's arrest warrant specified that the house had been "rifled" with "divers goods abused, Cutt, removed and some things Carried out of the howse."[58] John Foskett and Thomas Tirrell had almost certainly reclaimed their book, and, since their families and friends provided them with alibis, they did so with impunity.[59]

But why the concern with the little midwifery book? Why did Thomas Tirrell focus on the missing book, even to the exclusion of the forbidden courtship? Why might Tirrell and Foskett have broken into the Mousall home after their dispute with the Mousalls had come to public attention? Why did they care about *The Expert Midwife,* and why should we? We know relatively little about the ways in which medical and sexual advice literature was read in seventeenth-century New England. References to *Aristotle's Problems, Aristotle's Masterpiece,* and Phillip Barrough's *The Method of Physic,* as well as *The Expert Midwife,* all appear in seventeenth-century court records, and they usually do so in a particular context. While many women doubtless used these books in the manner for which they were intended, men often used them to gain the upper hand with women through "secret" knowledge.[60] The best description of this sort of reading was attributed to a servant named Richard Nevars, who heard an unnamed book read aloud at night at a sawmill in Dedham. Nevars claimed that from these late-night sessions, he learned "to give maides that which would make them follow him up and downe so that he could do wt he would unto them, and when he had wrought his will with them if he was minded it should not prosper, for he could give them something

that should take it away againe and when he had done they would hate him like a toad[.]" Nevars also claimed to have learned how to determine "wch maides were wholesome, and which were not."[61] If Thomas Tirrell was looking for recipes to incite lust, induce abortion, or get rid of women once he was done with them, then he had not actually read *The Expert Midwife* before sneaking it into the Mousalls' home. The book said nothing about attracting or repelling members of the opposite sex, and, even reading against the grain, it would have been difficult for Tirrell to figure out how to induce an abortion from the book's chapters on miscarriage or releasing retained menstrual fluids. Tirrell may still have been planning to use the book as a sexual aid, however. Although most of the book consists of dry recitations of recipes for women with various ailments and descriptions of fetal development, the book does include a sensational chapter on "monsterous births" and a rather salacious chapter discussing the possibility and consequences of sexual intercourse with demons. Perhaps Tirrell intended to read the book with the Mousalls' servant. Once the Middlesex County Court had fined Tirrell for courting the Mousalls' servant without permission, she was more or less beyond his reach. The book itself, on the other hand, might still prove useful for an encounter with another woman in the future.

The book probably had a very different meaning for John Foskett. It had the ability to cut John Mousall down to size. The book's chapter entitled "Whether men and women may ingender or conceive children of Divells and Spirits" almost certainly provided the impetus behind Foskett's suggestion that John Mousall's erections were diabolical in nature. When John Foskett wished to challenge John Mousall's authority as a patriarch, it made sense to him to do that by challenging his ability to perform sexually. As we have seen, the idea that a man who could not sustain an erection was not entitled to patriarchal authority was enshrined in Massachusetts law. It also made sense from a medical standpoint. Impotent men were, according to their wives, only "pretended husbands." According to *The Expert Midwife,* they were also practically women. *The Expert Midwife* suggested a troubling etiology for male sterility in general: "among men, those which are more effeminate and woman-like than is requisite . . . being intemperately cold and moist, cannot send forth seed possessed with a generative vertue."[62]

Unfortunately for John Foskett's purposes, however, John Mousall was demonstrably not sterile. He had a four-year-old daughter.[63] John Foskett drew from both legal ideas and a popular medical work to arrive at a solution.

The Expert Midwife suggested to Foskett the possibility that Goodman Mousall's erections were not really his own. How might a man like John Mousall have acquired the wife, servant, and household to which John Foskett was convinced he was not entitled? Obviously, he had made a pact with the devil. It is difficult to know precisely which parts of *The Expert Midwife*'s chapter on sex with demons Foskett found particularly inspirational. Foskett's charge that Mousall had shown his penis repeatedly to Goodman Bullyard suggests that Foskett imagined something to be wrong with Mousall's penis. *The Expert Midwife* warned of the horrible consequences attendant on those who had intercourse with devils. In one story, a butcher's servant accidently had sex with a demon who appeared to him as a beautiful woman. Shortly thereafter, the man's "privie members being inflam'd with a fiery heat, were exulcerated with a speedy putrefaction and rotting," and it is possible that Foskett imaged Mousall's penis to be literally rotting off.[64] However, Foskett did not accuse Mousall of having sex with the devil; he accused Mousall of having sex, presumably with his wife, with the devil's assistance. It is more likely that Foskett imagined Mousall troubled by a penis that refused to do its duty when it was not nurtured by diabolical forces.

Although probably included more for its salacious appeal than any helpful information it was likely to convey, the chapter on sex with demons did have a purpose other than the rather obvious advice not to do it. It addressed the question of whether it was possible to procreate with demons. The answer was a resounding no, based on the theory that the Holy Spirit was the only spirit to whom God had given the power to create matter or seed. Much of the chapter was taken up with explanations of how the devil could appear to procreate without actually doing so, with the object of explaining the origins of several mythological figures supposedly sired by devils. Since the devil could manipulate matter, although he could not create it, he could appear to make a woman pregnant by swelling her belly. He could then simulate labor pains within her body. When the time came for the nonexistent child to be born, the devil

would steal a baby and place it under the falsely pregnant woman's body or, perhaps, in her womb. To the eyes of the world, then, the woman bore a child despite the fact that her sexual partner was, because of his diabolical nature, unable to sire one.[65]

In the heat of the moment, standing in John Mousall's yard, John Foskett probably did not think through the weighty philosophical question of what effect the devil's assistance might have had on John Mousall's seed. He did, however, mix themes of sex, devils, and trickery from the *Expert Midwife* to come up with a unique accusation: "All that he had was the dev[il's] for he stood by his beds side and Caused his members to rise." It was an insult spoken in anger, but it was far from meaningless. In fact, Foskett's accusation that John Mousall had exposed himself repeatedly before Goodman Bullyard, and his claim that "the divell would have him and all that hee had at the Last," suggest that Foskett meant what he said quite literally. Surely Mousall would not have exposed himself in front of another man if there were not something unusual about his penis, and any good Puritan, even without the advice of *The Expert Midwife,* would have known that deals with the devil never turned out well for the human involved. The devil dealt in souls and false promises. He kept the souls, and even if he did fulfill his promises temporarily, he always took back all that he had given and more. Foskett's reasoning was perhaps self-serving, but his assumptions were culturally sound. John Mousall might have all the trappings of manhood—a wife, a servant, a house, and the money to support them all—but if his erection was not his own, then he had no right to any of those symbols of authority.

Sarah Dexter's Unwanted Suitor

The legalization of divorce helped to tie sex, marriage, and patriarchal authority more closely together by preventing impotent men from becoming family governors. Divorce was not, however, the only innovation New England reformers introduced. These reformers also believed that sex before marriage had the potential to interfere with the rational and orderly formation of new households. If the possibility of divorce made sex more central to marriage, stricter enforcement of English rules was

designed to make household formation more orderly and to contain the potentially disruptive power of premarital sex. For centuries in England and elsewhere in Europe, marriage vows spoken in the present tense—even in the absence of witnesses—constituted an irregular but valid marriage. A promise spoken in the future tense created betrothal, which was a binding contract to marry. More insidiously, however, a promise to marry spoken in the future tense and followed by sexual intercourse constituted a marriage. The practice was known as "clandestine marriage," not because the marriages were always intentionally kept secret, but because they could occur in the absence of witnesses. English authorities in the period were engaged in a project of regularizing marriage, strengthening the role of parents, and requiring couples to be married before clergymen; but although parental consent, the presence of witnesses, and a church wedding held at specified times during the day were legal requirements of marriage in England, English authorities still recognized marriages contracted "clandestinely" as valid.[66]

Massachusetts Bay authorities did not. Whereas English practice still privileged the consent of the marrying couple, Massachusetts authorities, more concerned with creating stable households, required that all young people have the permission of their parents before marrying. Notices of intent to marry had to be posted publicly to prevent bigamy. In keeping with the Puritan conception of marriage as a secular contract, the wedding itself was then performed by a magistrate rather than a clergyman (until 1692, when either was allowed to officiate).[67] A promise to marry in the future tense followed by intercourse did not make an irregular but valid marriage; it constituted plain old fornication. By refusing to recognize marriages contracted without witnesses, public banns, and parental permission, Puritan reformers tried to make the process of marrying more orderly, prevent bigamy, and allow clear-thinking parents to overrule short-sighted children. Ideally, there would be no more marriages resting on the shaky ground of fornication.

Historians have noted that some New England colonists clung to older English popular mores and winked at premarital fornication, considering betrothal "married enough" for intercourse to be morally acceptable, even if it was not, strictly speaking, lawful.[68] The numerous cases of premarital fornication that were prosecuted by the Massachusetts county

courts would seem to be good evidence. Premarital fornication, a crime rarely prosecuted in contemporary England or the Chesapeake colonies, was a relatively common charge in Massachusetts. Indeed, there is evidence that members of the New England courts considered fornication during betrothal to be a less serious crime than fornication without contract. Plymouth Colony established two different penalty structures for fornication before or after betrothal, and although Massachusetts Bay did not do the same, the penalties for fornication were typically lighter in that colony as well if the couple had married before they appeared in court.[69]

It is important to remember, however, that a charge of "premarital" fornication depended on an act (marriage) that had not yet taken place when the crime itself was committed. The high incidence of premarital fornication prosecutions cannot be attributed solely to betrothed couples who believed they were married enough to begin having intercourse. Other couples charged with premarital fornication had engaged in sexual relations and then took refuge in marriage as a way to hide or mitigate their sin. Family pressure could play a hand in their decisions. Daniel Smith, for example, had probably never intended to marry Mary Grant, although she claimed that Smith had promised her a wedding. Smith changed his mind only after Mary's brother-in-law, Roger Rose, and several of his friends showed up on Smith's doorstep. By the end of the affair, Mary and Daniel were confessing to premarital fornication.[70] Since premarital fornication was a less serious crime than simple fornication, very few couples whose babies arrived in less than nine months were eager to reveal the negotiations that went into their marriages. In many cases of premarital fornication, the problem was less that colonists refused to adjust to new rules about marriage and more that they used hasty marriages to cover what they understood to be illicit sexual intercourse.

There is also evidence that other couples who engaged in sexual relations agreed beforehand to marry only if a pregnancy resulted. Two witnesses claimed that they heard Benjamin Knowlton say that if Mary Pike "would have tould him how it was with her within A month after the fact committed he would have married her & the world should have bin never the wiser."[71] Susannah Woodward claimed that her master's son, Thomas Hastings, "before he lay with her promised her marriage, either

with or without her parents consent," but only "if she proved with child by him."[72] When Martha Beale accused John Rowe of raping her, she demanded that he marry her because he had "defiled & unfitted her for Another man against her will." John seemed absolutely nonplussed that Mary would demand marriage and told her before witnesses that his promise to marry her was only "conditionally" and "if shee were with child." However, "hee tould her that shee was not with child & that hee would not have her."[73] The evidence suggests that, for every couple charged with premarital fornication who had had sex while they were betrothed, there was another who had become betrothed only because they had had sex.

Although Massachusetts Bay law strengthened a parent's hand in disposing of a child in marriage, parents were not always able to prevent marriages contracted against their wishes. Sex during betrothal did not necessarily undermine parental control of marriage formation. Couples who engaged in intercourse after promising marriage and obtaining parental permission might (or might not) embarrass their parents, but they still married spouses of whom their parents had approved. Couples who married only because the woman conceived, however, left their parents with fewer options. Daniel Smith's mother appears to have been opposed to his marriage to Mary Grant. When Grant's brother-in-law and his friends paid a call on Smith in an effort to force him to admit that he was the father of Grant's child, Smith's mother accused the party of trying to "entrap" her son into an undesirable marriage.[74] When Mary Pike became pregnant, Edward Hodgman, who may or may not have been the father of the child, was heard to comment that "Although Goodman Pike would not let him have his [dau]ghter hee would bee glad eare Long for too come with his Cap in his hand and Intreat him for to have his Daughter."[75] Massachusetts law forbade men from courting young women without the consent of their parents or masters and allowed parents and masters to sue those who alienated the affections of their dependents without proper permission. This type of suit, however, required that parents understand what was happening before pregnancy resulted or rumors of illicit sexual activity were spread abroad. Although consent and sexual intercourse were not sufficient for a legal marriage in Massachusetts, even a suspicion of intercourse could make an undesirable marriage necessary,

as, to their sorrow, Sarah, Richard, and Bridget Dexter could have attested.

In June of 1666, Sarah Dexter rode along the highway from Ipswich toward Malden in the company of Obadiah and Hackaliah Bridges. Sarah and Obadiah planned to marry and were on the way to Sarah's home to obtain her father's permission for the match. As the afternoon wore on, Edmund Pinson, a recent immigrant and self-styled gentleman, joined the company on their trip to Malden. Upon learning the object of their errand, Edmund asked Sarah "whether She were Soe Symple to Send for hur Sweete hart & to woo him" and, indeed, "very much Condemneing hur for hur folly." Perhaps the comment was meant to be flirtatious, for Sarah asked Edmund to accompany her to her father's house as well. When Edmund arrived at the Dexter household, he found that all was not well—or so he told the story. Mistress Dexter told Edmund that for "their parts they wold never give their Concents that he [Bridges] shold have hur but wold rather yeild to follow hur unto hur grave than to hur weding" and that "they wold rather Choose to give him a pound wth their daughter In Case he should marry hur than to give Bridges a penny."[76] Richard Dexter later remembered that Edmund Pinson arrived in his household with the intent to "undermine & Circumvent" Bridges's suit, "much asspersing" Obadiah Bridges before both Richard and his daughter.[77] Indeed, it is quite possible that Edmund Pinson's characterization of Obadiah Bridges had something to do with what appears to have been Richard and Bridget's hostility and Sarah's sudden indifference. There is no record of what Edmund told the Dexter family, but there was probably no shortage of stories circulating in Essex County. Between 1666 and 1670 Obadiah Bridges was prosecuted three times for moderately violent offenses, such as assaulting men in the highway and attempting to break into the pound. In 1666 he was brought before the Essex County Court for an unspecified activity that involved "profanation of the Sabbath." Most damning, however, would have been stories about Obadiah and Lydia Brown. Although Brown accused Obadiah of impregnating her two months after the meeting at the Dexter home took place, stories about the pair had probably circulated earlier.[78] In June of 1666, Richard and Bridget Dexter were

quite likely to have been grateful to Edmund Pinson for enlightening them as to Bridges's character. Indeed, the next day Richard Dexter sent Bridges a letter telling him not to return to his home. Edmund wrote a letter for Sarah too in which, according to his remembrance, "she Subscribed hur selfe never to be his [Bridges's] whilst she was hur owne."[79]

The Dexters soon discovered, however, that using Pinson to get rid of Bridges was a little like unleashing a snake to rid the house of mice. That Friday, Edmund Pinson returned to the Dexter home. What happened next is contested. Edmund left the house with Sarah and, in his words, "tarrying sumething Late abroad wth their Daughter that night Received therfore A Check of Mr dexter." The next morning, Richard asked "upon wt Acct he Came ther and whe[ther] It was for Respect to his daughter yea or nay." Edmund's answer was evasive. Apparently unwilling to commit himself to a woman he had known only a few days, he answered "negatively" and told Richard "that it was not necessary for him to say that he was In Love before he knew whether he was Beloved." Surely, Edmund mused, Richard Dexter could not be so blind as to think him uninterested "If he did but reasonably Adjudge of their Carraiges the one to the other before his face." Edmund returned to the house that evening after making an errand to Lynn, at which point he and his friend, George Tushingham, were told "If they pleased to tarry they sho[uld] be welcom." So said Edmund.[80] George remembered only that Edmund and Sarah had left the house about eight o'clock that night and stayed away for two hours, at which "Goodman dexter did seemed to bee very much troubled."[81] The Dexters' servant, Andrew Robinson, testified to a more worrisome encounter. He claimed that Edmund and Sarah were gone for two hours "in which tyme we called & sought them but could not finde them." Robinson also claimed to have heard "my master dexter forbid this sd Edmund pinson to [kee]p [c]ompany with his daugh[ter]" and that "my master thrust the sd pinson out of the house And I heard my mar threaten him that if he came againe uppon his ground he would sue him & take the Ben[e]fitt of the law of him."[82] Richard Dexter's story, not surprisingly, mirrored Robinson's. Richard claimed that Edmund "Inticed" Sarah "out of the house and was gone with her wee calling & seeking them but could not finde them." When the pair returned, Dexter

> manifested my dislike of such a practise & askt him what his Intent was but he gave me no direct Answer but told mee he was pswading her from the man that was about her then I askt him if he did not seeke to pswade her for himselfe and he said no he had buryed his wife lately. But if he did minde such a thing he would first know her minde before he askt her freinds: then I told him if there wer any such thing that he shold desist & I forbid him keeping her company any more.[83]

Perhaps. But if the story unfolded as Richard Dexter claimed, why was Edmund Pinson still in the house three days later?

On Monday morning, Edmund Pinson told the Dexters that he wished to visit Sarah's brother, John, in Charlestown and buy a horse from him. Edmund asked that Sarah be allowed to accompany him and his friend, George Tushingham, on the journey. Sarah did go, "and for hur better Accutterment had hur Mothers Pillian and Pillian Cloth to ride." Edmund included the loan of Bridget Dexter's pillion and cloth—a saddle that would have allowed her to ride behind Edmund on his horse—in his telling of the story as a sign of the Dexters' consent.[84] Richard Dexter remembered a very different leave-taking. According to Richard's account, when Edmund said he was going to John Dexter's house, "I then forwarned him & forbid him taking taking [*sic*] her [Sarah] with him." When Edmund could not get Richard's permission, he resorted to subterfuge. When Edmund returned from retrieving his horse from Dexter's pasture, he told Richard that his "horses wer goeing out of my pasture into the woods," upon which Richard "psently Hasted to pvent them." As Richard Dexter rushed to corral his horse, Edmund slipped out of the house with Sarah in tow, even as Bridget Dexter stood at the door and "charged him not to take her with him."[85] Perhaps Richard and Bridget Dexter did forbid Edmund from taking Sarah on a trip to see her brother. The distance between Malden and Charlestown was only about four miles, however, so they would have expected the pair to return in a few hours. And they might have had good reason to send Sarah on her way fitted out with her mother's pillion. Although the Dexters had sent a letter to Obadiah Bridges advising him that they had no intention of continuing negotiations for a marriage,

Monday was the day Obadiah was expected to return. Sending Sarah to her brother's house for a few hours might indeed have sounded like a good idea. Both Edmund and Richard's testimony, however, was colored by what happened next. The trio stayed away for four days.

Sarah, Edmund, and George rode first to John Dexter's house in Charlestown and then to Sarah's sister and brother-in-law's house in Rumney Marsh (near Roxbury), where they spent Monday night. All might still have been well, but on Tuesday Edmund Pinson was informed that the Bridges were in the area and, presumably, looking for Sarah. Edmund took Sarah to Salem, perhaps to his own home. That evening, the group again headed for the Dexters' house in Malden when they met up with the Bridges brothers on the road. Edmund took the opportunity to ask "Sume questions," and Obadiah's answers convinced him "that the maide was Cleane of any Promise made unto the sd Bridges." "But yett for Sume Reasons," recalled Edmund, he, "his friend and the maide, were Constrayned that night to betake themselves for safety to a privett house."[86] The encounter might sound like a fabrication of Edmund's were it not for the fact that it is confirmed in the Essex County Court records. In fact, Edmund appears to have downplayed the drama of the scene. According to a deposition filed with the Essex court, Edmund and Sarah (no mention is made of George) arrived at Jonathan Hudson's house that night. Edmund "came in as if he were frightened, saying that he was afraid of his life." That fear was emphasized by the "naked sword" he still held as he asked to be entertained for the night. He claimed that the Bridges brothers were chasing him and had attacked the party by pulling "the maid off the horse."[87] On Wednesday morning, the group again rode toward Malden, but again they saw "the Bridgess ride by towrds Mr dexters." Rather than risking another encounter with the Bridges, the little group stayed away another night. Edmund sent Richard and Bridget Dexter a letter in which he explained why he had kept Sarah away so long, described the "absurd manner" in which the Bridges "toock yor d[augh]ter from Behinde me" off of the horse, and assured them that they had spent the night in a "privett house." Edmund's next assertion was, no doubt, meant to reassure the Dexters: "I am Bould to Acquaint you that I have the more freely beene A Companion with yor Daughter because I Doe Really Intend to make

her my wife." The one line Sarah wrote was probably more in line with what the Dexters wanted to hear: "Pray father Excuse my undutyfullness."[88] Edmund did not reveal where the group spent Wednesday night before returning to the Dexter home on Thursday. The most likely location—and perhaps the reason Edmund omitted the detail—was his own home in Salem. Perhaps this was when he outfitted Sarah in a silk gown, which had belonged to his first wife, and a gold ring. Such gifts would have been interpreted by most people in both England and New England as a sign of betrothal.[89] Edmund Pinson went one step more. He intended them to signify marriage.

If Edmund's story of his four-day ride around Massachusetts was one of high adventure and—dare one might add—chivalry, Richard's recounting was one of fear and powerlessness. He complained that Edmund "kept her away from us fowre dayes I not knowing where the[y] were only he sent me a letter from Lyn signifying that [he] Intended to marry her." Upon receiving the letter, Richard sent men to Lynn "but could not finde him & the next day sent to Redding affter him hearing he was gone thither but found him not." When Edmund and Sarah finally returned home on Thursday, Edmund "brought her home againe in a silke gowne with a gold Ring on her finger" and "sayd they were maryed."[90] Edmund Pinson recalled that he returned to Malden "makeing of an outward show of A Marraige" to get rid of Obadiah Bridges and his brother. He hesitated to let Richard Dexter in on the charade. What Obadiah Bridges had not been able to accomplish by negotiating with Richard in an open way, Edmund Pinson had done by carrying off his daughter and dragging her into one compromising situation after another. What, then, was a father to do? Apparently, Richard and Bridget Dexter decided that their best option was to play along. Edmund Pinson recalled that, even after he confessed that the marriage was a sham, the Dexters "did highly Entertaine the whole Company." On Friday, they took the young couple to a "Publique house" and drank to Edmund, "Calling him son Pinson" and, Edmund thought he recalled, "did then say that they were Married."[91]

But Richard and Bridget Dexter—to say nothing of Sarah—had known Edmund Pinson for less than two weeks. Which was worse, to marry Sarah off to a man about whom they knew almost nothing, or to

hope that another man might overlook the rumors to which such a juicy story was sure to give rise? Edmund had brought reports of Obadiah Bridges's ill character to the Dexter household, but Edmund's reputation was not spotless, either. Sometime after the congenial faux-marriage scene in the local tavern, Richard and Bridget began to hear reports that Edmund was "Crack brained" and that his first wife's death was Edmund's own fault. The local rumor mill had it that Edmund "Brock his deceased wifes hart wth Greife" by neglect. The rumors may have intended to imply that Edmund neglected his wife sexually, for he "wold be absent from hur 3 weeks together wn he was at home, and wold never Com nere hur, and such Like."[92] Was this really the sort of man with whom the Dexters wanted to entrust their daughter?

There may have been financial problems as well. Edmund Pinson was a merchant, and he presented himself as a wealthy man. Surely the silk gown and gold ring were meant to impress Bridget and Richard Dexter as much as Sarah. Richard, indeed, recalled that Edmund had "Boasted much of his estate & abillity to keep & mayntaine" Sarah.[93] Later, when Edmund and the Dexters entered into marriage negotiations, Edmund would present his situation a little differently, telling them "that If I had Little I thankt God owed Little and If none I trusted In God wth his Blessing upon my Indeaviors may wth Dilligen[ce] Gett one And Cold say I bless God for it [*sic*] am noe Drunckard."[94] Richard Dexter claimed that, rather than feting Sarah and Edmund after their return from Salem, he told Edmund flatly, "as you maryd wth[out] my consent you shall k[e]ep her without my help."[95]

But perhaps it was Edmund's lack of deference to his soon-to-be in-laws that was the real root of their hesitance. Edmund, an aggressively religious man, frequently performed "family duty" in the Dexter household. On one occasion, when Edmund read a sermon and then began to pray "as the lord did Inable me," Bridget Dexter flew at him and "the ould woeman did in a most Bitter manner revile me."[96] In all likelihood, Edmund had used his sermons and prayers as a commentary on the Dexter household. Edmund later had the temerity to try to enlist Rev. Michael Wigglesworth into using just such tactics in the same cause. Edmund requested "that you wold please to take the paynes to Advice the ould people for theire good and not to deale soe unhumanly

wth hur who is their Child not to Sett Such Ill Examples Before hur and . . . that you wold please to preach A sermon of the pmises here Inserted the next Lords day." Edmund Pinson, a man who had come from England about two years previously, believed that Wigglesworth's sermon might get through to the family he termed "A Crewe of Rusticks."[97] Worst of all, throughout the ordeal Edmund Pinson seems to have been genuinely in the dark about what he had done wrong. The Dexters might well have wondered, when Edmund Pinson returned with their silk-clad daughter, was Edmund's suit really past the point of no return?

And so, if Edmund Pinson's characterization of the rest of his suit may be trusted, the Dexters waffled. When Edmund and Sarah rode to Cambridge, Sarah was thrown from their horse and lost her mother's riding equipment. When the couple returned to Malden, Bridget Dexter flew into a rage and used "Ill Language and Bass Exspress" toward Pinson. Both Bridget and Richard "termed their daughter his whore." Edmund then decided to break off his suit. He wrote a letter, which he referred to as "his Legall request," and commanded George Tushingham to read it to them as he stood by and watched. The Dexters used some hard language, burned his letter, forbade him from returning to the house, and then sent their servant to retrieve him. The next morning, when Edmund demanded the clothing he had left at their house, "they ther upon Detaines the Apparell alleageing that they wold keepe them as a tocken of his Love to their Daughter and that they w[oul]d see more of him before he shold have them Againe." After which followed a period in which the Dexters seemed eager to welcome Pinson. Indeed, Bridget Dexter, according to Pinson, apologized, telling him "she was sorry for wt had bin past and that she never wold be Angry wth him againe." Finally, Pinson and the Dexters negotiated a marriage settlement, and Richard Dexter requested Edmund Pinson to write out the marriage banns, which Richard and Bridget signed with their marks. During this period the Francis family, who were related to Edmund Pinson (probably by his first marriage), stayed with the Dexters, although they do not appear to have participated in the marriage negotiations.[98] Stephen Francis recalled that after the marriage banns were pulled down—by persons unknown—Edmund Pinson

wrote out a new set, and Bridget Dexter searched for a nail with which to hang the paper.[99] Surely the Dexters had consented to their daughter's marriage. Perhaps. What at first appears a throwaway line in Edmund Pinson's account of the affair may provide us with a clue to yet another round of second thoughts on the part of Richard and Bridget Dexter. As their part of the marriage settlement, the Dexters agreed to "sett hur [Sarah] out Credably In hur Marraige, and wth Credable apparell." The Dexters arranged credit with a Boston merchant through their son, and Sarah and Edmund purchased items for the wedding "wch after ward were Returned Againe." Edmund claimed, he "Knoweth not why."[100]

After the pair were married and had visited Sarah's brothers and sisters, they returned home to find Richard and Bridget again in an uproar. Once again, they fell to berating Edmund, calling him "A son of a whore a Bastard A Dogg a rogue."[101] Edmund responded by starting "to reveale a Secrett to his mother Concerning hur Daughter." When Bridget refused to listen, Edmund forced his wife to commit her "secrett" to paper, and then sent the letter to the Dexters.[102] The letter itself is lost, but a letter Edmund sent with it hints at the paper's contents. Edmund lamented that God had taken his first wife, "a Daughter of Israll," from him and replaced her with Sarah, "a Daughter Ishmale," for, he noted darkly, "I tould you [how] I found her." Edmund claimed that, far from taking Sarah to wife without her parents' permission, he had been forced into a marriage with an unworthy woman: "I finde that you [have] keept my Apparell wth an Intent to . . . put a whore upon me."[103] Alice Francis, Edmund's kinswoman and a witness to Sarah's written confession, gave a deposition that fleshed out the details of Sarah's story: "Sara pinson tould her that her mother Dexter upon occoation beate her out of dores, which occoationed her to goe to Boston: where she said, she lost her virginitie, being overcome by a man in Boston, whoe promised her marrage, but afterwards went to sea and sinc she said she heard he had a wife in England.[104] Edmund Pinson, a less than adept judge of human nature, sent the letter to his in-laws, believing that "they wold rest Contented and be more Loveing to him, and Deme they ought to be soe, as Ajudging he had the worst Bargaine." When a copy of Edmund's letter mysteriously became public, the Dexters finally had Edmund Pinson arrested.[105]

No charges survive in the Middlesex County minute book—and it is possible that depositions were collected for a case that never came to trial—but case papers suggest that the Dexters charged Edmund both with slandering his wife and with marrying her without their consent. Did Edmund marry Sarah without her parents' consent? Did Edmund forge his own marriage banns, as Richard Dexter claimed? Or, as Edmund claimed, did Edmund write them at Richard's request? Did Richard consent and then tear down the banns, return his daughter's wedding finery, and assume that Edmund had gotten the hint? We may never know. Edmund himself may not have been sure. Richard Dexter's version of the story is one of a steady patriarch repeatedly prohibiting an unwanted suitor from calling on his daughter, but Richard's story fails to make sense of what eventually happened. More probable is the story of a suitor welcomed at first and warned off too late. Edmund and Sarah's four-day jaunt around eastern Massachusetts constrained Richard and Bridget's—not to mention Sarah's—choices. It is significant that Sarah's parents failed to complain to Authority until Edmund inadvertently revealed to all and sundry that Sarah had lost her virginity before he married her. That the Dexters were unhappy about the match is certain. Whether they can be said to have consented is open to interpretation. Shortly after he married Sarah, Edmund requested his friend, George Tushingham, to persuade his wife "to sett her hand to note that did Affirme that shee was A hore." Edmund hoped that the letter would enable him to win a divorce in England so that "by that Meanes hee thought he Might bee Rid of his wife."[106]

The story of Edmund and Sarah Pinson was one of a courtship that spun out of control and went horribly wrong, but it also illustrates the continuing ability of sexual intercourse—or even its shadow—to make a match in a system that was designed to privilege parental consent. Perhaps most important, the story of Edmund Pinson and Sarah Dexter's relationship illustrates some of the complexities parents faced when monitoring their children's courtships. Bridget and Richard Dexter had apparently allowed their daughter a great deal of autonomy when it came to choosing a potential spouse. At the beginning of her tale, Sarah Dexter was riding from Ipswich to Malden with her potential mate, Obadiah Bridges. His brother was their only chaperone. Sarah had evidently

spent enough time with Bridges to believe that he would make a suitable husband; she needed only her parents' consent to marry. Sarah's parents probably knew who was courting their daughter, but they do not appear to have known Obadiah very well. If Edmund Pinson can be trusted on this point—and given what happened later he probably can—the Dexters decided fairly quickly upon meeting the young man that he was not what they were looking for in a son-in-law. They would have been well within their rights to prohibit the match, although, in this case, their daughter's waning interest appears to have made the issue moot.

Allowing Sarah to court a man from another town whom they did not know well would certainly have had its risks. Indeed, when Sarah went to her marriage bed, her new husband discovered that she was no longer a virgin. The story she told about a sailor in Boston may have been true, although it does seem rather formulaic. It is more likely that Obadiah Bridges had been her sexual partner. Certainly, if Sarah had spent most of her time with Obadiah in his home town, the couple would have had ample opportunity to commit fornication. Sarah's parents probably hoped that the morals they had tried to instill in Sarah would be safeguard enough against sexual misbehavior. Evidently, they were not.

Allowing courting couples time alone with one another was risky, but it was also necessary. Although seventeenth-century expression lacks the sentimentality of the mid-eighteenth and nineteenth centuries, most seventeenth-century New Englanders believed that marriage should rest on a solid foundation of affection, if not romantic love, and physical compatibility. Unlike nineteenth-century middle-class Americans, who tended to romanticize childhood, seventeenth-century parents were more likely to see childhood as a necessary stage in development. If most nineteenth-century American parents thought of childhood as a state of innocence that should be treasured and preserved, seventeenth-century colonists were more likely to think of childhood as a stage to be gotten through. The goal of parenting was to guide children through their younger years and help them achieve adult status. The primary marker of adult status, for men as well as women, was marriage, and a solid marriage required physical compatibility. As we have seen, sex was an absolutely crucial component of marriage among New England Puritans. Certainly, Massachusetts lawmakers attempted to strengthen the role

of parents in marriage formation. "Authority" did not want to see marriages built on the sole foundation of physical attraction, but no one in New England advocated that parents simply choose spouses for their children. While physical attraction alone was insufficient to create a successful marriage, it was a necessary part of one. The law that granted parents the right to veto their children's marital choices was straightforward; real life could be a great deal messier.

It would be easy to interpret stories like that of the Dexters as evidence of a weak patriarchal system.[107] Because the stories told here emerge from court records, they are by definition stories about failures. There was never a reason for the courts to hear about happy marriages contracted lawfully by virginal spouses and overseen by proud parents. Historians tend to have sources only when people in the past had problems. To interpret these cases as indications of powerless fathers, however, seems to me to misread the goals of fathers (and mothers) who tried to steer their children toward adulthood. New England's social and political structure was designed to channel power into the hands of parents. Richard Dexter, for example, may have failed as a patriarch; he certainly seems to have been indecisive, but he was not weak. The Dexters took the same calculated gamble that most parents appear to have taken when dealing with daughters of marriageable age: they allowed their daughter to become acquainted with young men her own age without their constant supervision. Richard and Bridget Dexter had a number of weapons in their arsenal, and they used most of them at some point. When Edmund Pinson forced their hands, they attempted to use their authority to ensure the best outcome for their daughter in what had become a bad situation. Richard Dexter had economic power. When Edmund and Bridget returned to the Dexter household pretending to be married, Richard Dexter told Edmund that he should not expect a marriage settlement. That Bridget and Richard Dexter were not present when their daughter married may suggest that someone other than Sarah's parents dropped the ball. If, as Richard Dexter claimed, Pinson forged his own marriage banns, then the marriage itself must have come as a surprise—a surprise that Massachusetts law was intended to prevent. Finally, once the marriage had been solemnized, Dexter took remedial action to protect his daughter from a slanderous husband. Dexter may never have intended to

see his lawsuit against Pinson to a conclusion. Perhaps he hoped that the threat of charges would stem Pinson's abuse without dragging Sarah's reputation through a public airing in the courts. Richard and Bridget Dexter lost their battle. Their daughter was married to a man whom they had come to despise and one who wished to rid himself of Sarah at the earliest opportunity. The Dexters might have responded more effectively if they had understood from the beginning that Edmund Pinson was an undesirable suitor. Certainly, Bridget and Richard Dexter would have been within their rights to prohibit the courtship from the beginning. Richard Dexter may have lacked judgment—or simply the inability to divine the future—but neither he nor other New England patriarchs lacked for power.

CHAPTER 4

The Rape of Elizabeth Pierce

A BONNET LAY NEAR A STAND of bushes on the highway between Woburn and Reading. Evidence of violence. Of capture. In 1676 violence raged around the town of Woburn, Massachusetts, and stories of murder and kidnapping abounded. King Philip's War. Nervous townsfolk crowded together in a few garrisoned houses each evening at dusk—and it was dusk now. Fifty-eight of Woburn's men marched with the army. Half a dozen would never return. Woburn was never invaded, never burned, but many of the surrounding towns had been. Marlborough, Sudbury, Groton. In April, only three months before, Samuel Richardson had come home from his fields to find his wife and two of his children dead.[1] Dinah Knight knew that bonnet. It belonged to her cousin, Elizabeth Pierce. Bonnets had meaning. As the article of clothing that covered a woman's hair and symbolized her modesty, a bonnet was not a garment casually discarded. Dinah stared at it "frited" and "fearing the indans had taken heir." Then voices emerged from the bushes and the scene shifted. "Bejam let me alon," and "this be a sin to you and me to and a disgrace to us both as long as we live." But another voice replied that it would be "no disgrac to him." Not Indians then, a neighbor. But still an ill scene. As Benjamin Simonds rose out of a stand of hazel bushes, he pulled up his breeches.[2]

Mary Pierce knew something was wrong when her eighteen-year-old daughter returned from her trip to the spring in the next town. When Mary noted the next morning that Elizabeth was still "in a sad posture" and wept as she prepared the family's breakfast, Mary inquired into the matter. No reply but more tears. Again, as Mary set her daughter to work, she asked Elizabeth what was wrong, "but shee wold not tell." Robert Pierce, too, noted Elizabeth's sadness, but left the matter for his wife to deal with and hurried out into the fields. But as Robert Pierce looked up from his work, he saw his son approaching, and his daughter standing off in the distance. As Robert trudged slowly toward her, his neighbor "bad him goe for his daughter wase Crying." More sobs. An inquiry. Elizabeth, choking on her tears and unable to speak through her sobs. Finally, the words came tumbling out:

> last night wn shee wase coming home Benjamen Simonns wase aleaning one the rayls and as I came near to him I being in the highwaye hee came to mee and layed hould of mee I strove to get out of his hands but hee being stronger then I halled mee into the bushes and threw mee downe I said to him Benjamin lett mee alone for it will bee boath sin and ashame to you and me as long a wee live but he said it wold be no shame to him yet I resisted as much as I Could: but hee being stronger then I forced me and did the acte to mee[.]

Robert Pierce, his neighbor noted, "Came noe more that day to work."[3]

Rape. It was a serious charge. Indeed, under English common law, it was a capital crime. The law was a little more complicated in Massachusetts. Massachusetts lawmakers were loath to put anyone to death unless scripture mandated execution for the crime in question. In some cases, this meant curtailing the list of crimes punishable by death. Robbery, for instance, was a capital crime in England but carried a lighter penalty in Massachusetts. Adultery and blasphemy, however, were punishable by death in Massachusetts but not in England. Rape was a complicated crime, biblically speaking. The book of Deuteronomy prescribed death for the rape of a married or engaged woman, but it mandated that a man who raped a single woman should be forced to marry her.[4] Although John Cotton recommended including such a law in the Massachusetts

Bay code in the 1630s, heads more in keeping with seventeenth-century mores prevailed. The laws codified in 1642 retained the idea that raping a married woman was a more serious crime than raping an unmarried woman. The rape of a married woman—or a child under the age of ten years—was *always* to be punished capitally, whereas the rape of an unmarried woman *might* be punished with death. Over the years, the law lapsed and was reinstated, but by the last quarter of the seventeenth century it had come more or less full circle. By 1669, the rape of a child under ten years of age was capital. The statute covering the rape of married women had lapsed, but the crime was prosecuted as a capital one under the laws governing adultery.[5] The rape of a single woman was potentially capital. It was to be punished "with death or with some other grievous punishment."[6]

Rape—then as now—was a notoriously difficult crime to prove. The first decision a woman had to make was whether or not to bring a complaint. The best evidence available strongly suggests that most women chose not to charge their attackers. More instances of rape and attempted rape appear in court file papers unrelated to a charge of rape or attempted rape than do in cases in which that particular charge was filed.[7] Most instances of rape were what we now refer to as "acquaintance rape." In some cases, women may have been reluctant to expose their neighbors to the noose. Martha Beal, for instance, claimed that John Rowe raped her in 1686, but when asked why she did not bring rape charges against him, replied "because shee was not willinge to hang him."[8] The prospect of exposure and public humiliation in court must have been daunting as well. Perhaps the most significant deterrent, however, was the difficulty of proving that a rape had occurred. Rape victims were in something of a double bind. English law—at least as expressed in the manuals owned by Massachusetts Bay authorities—had little to say on the subject of determining when a sexual encounter might legitimately be termed a rape. Deuteronomy classified rape as a crime of the country. A woman who was attacked in a locale where no one could hear her scream, might reasonably be believed if she claimed to have been raped. If a woman was attacked in the city, however, and failed to attract the attention of those around her, then authorities should assume that she had consented to the act.[9] But Massachusetts law guaranteed that no man could be convicted of a capital crime and sentenced to die on the

strength of less than two witnesses.[10] In other words, a woman attacked in an isolated area might legitimately bring a charge of rape, but the very isolation that lent credence to her charge almost guaranteed that she would lack the witnesses necessary to see her case through to a conviction. A woman attacked in a populous area with witnesses nearby made an unconvincing rape victim.

In some ways, it was a wonder that anyone was convicted of rape in Massachusetts. Yet, there is some indication that women in the last four decades of the seventeenth century were seeing their rapists punished in—for Massachusetts—unprecedented numbers. It is impossible to compile precise statistics for rape prosecutions in Massachusetts because the records books of the Court of Assistants, which had jurisdiction over capital crimes, are missing for the years prior to 1672. The few pre-1672 rape cases that have left traces in the historical record must be recovered from the occasional file paper.[11] Even in the later years for which the records are ostensibly complete, important details such as verdicts and sentences are sometimes missing. The best evidence we have is that twelve women and girls brought charges of rape in the years between 1660 and 1700. All the recorded cases came to trial between 1669 and 1690. Of those thirteen cases, five men were sentenced to hang, one was sentenced to be sold to the Caribbean, two were found not guilty, one was convicted of a lesser charge, and the outcomes of three cases are unknown. One of the men found not guilty was, nevertheless, banished from the colony. Of the unknown cases, one man was probably sentenced to corporal punishment and required to wear a noose around his neck for the rest of his life.[12] In other words, eight of the thirteen men were punished quite severely.[13]

Six of these cases and three executions had taken place by the time Elizabeth claimed to have been attacked on the road to Woburn. If Elizabeth—or her father—was familiar with the court's recent record, it may have encouraged them to bring charges against Benjamin Simonds. Elizabeth's case may also have looked particularly promising because she fulfilled both the biblical and at least part of the Massachusetts legal requirements for a successful prosecution: she had been attacked in a lonely spot, and she had a witness. Perhaps Elizabeth knew of the case of Sarah Lambert, a twelve-year-old girl who had been raped in the fields near her master's home while searching for his cows only three years

before. Lambert, too, had had a witness. She screamed when Peter Croy attacked her, and her sister came running in time to see Croy complete the act. Although the records of Croy's prosecution are incomplete, later evidence from the Essex County Court suggests that he was punished corporally and required to wear a noose around his neck for the remainder of his life. Mary Ash's experiences may also have helped Elizabeth and her father decide to prosecute their case. Much like Elizabeth, Mary Ash had been raped in the woods near a highway. Although several people had seen Mary's attacker follow her down the road, there were no witnesses to the act itself. Nevertheless, Mary Ash saw her attacker sentenced to hang only a year before Elizabeth Pierce brought her complaint.[14]

Elizabeth had an added incentive to bring her case before a magistrate. She and her father may have believed that their chances of seeing justice done were high, given the court's recent history of dealing with rape charges, but Dinah Knight's knowledge of the incident would also have complicated the option of staying silent. Earlier in the century several women—and often their husbands as well—were whipped for failing to report sexual assaults promptly.[15] Although no Massachusetts court inflicted this sort of punishment in the later part of the century, remaining quiet might still have consequences. Elizabeth's father was almost certainly familiar with the experiences of their near neighbor Elizabeth Glasier in this regard. In 1662, Glasier had confided to a friend that Timothy Brooks had attempted to rape her. After entering the Glasier home and finding that Elizabeth was alone, Timothy grabbed her with both hands and dragged her to a bed. When he released one hand to unfasten his breeches, Elizabeth managed to pull away and run. Elizabeth Glasier's friend was decidedly unsympathetic—at least in the version of events she related to the county court—and only asked Glasier "why she did not cry out living so neare Neighbours."[16] Glasier also waited two weeks before telling her husband of the incident for "feare of her husbands displeasure."[17] Rumors of the incident came to the attention of Thomas Danforth, the magistrate in Cambridge, and both Glasier and her attacker were required to appear on "suspiccon of wickednes by them Comitted together."[18] Perhaps Dinah Knight would remain silent about what she had seen, but would Elizabeth and Robert Pierce have thought it wise to rely on the discretion of a fifteen-year-old girl?

The Pierces evidently thought not. The decision was a fateful one, and it would draw members of eight interrelated families into the fray. Because the case is a particularly well-documented one, it is possible to reconstruct the series of maneuvers by which the allies of both Elizabeth Pierce and Benjamin Simons attempted to manipulate the courts to their advantage. Because rape was a felony, the stakes were particularly high. By the time they had finished dragging the dispute through three courts, both sides had resorted to tactics that were illegal, unethical, or both, in an attempt to protect their kin. Justice may or may not have been served. It took a backseat to family interests.

On July 7, 1676, Elizabeth, her father, and her cousin Dinah Knight traveled from their homes in Woburn to Thomas Danforth's house in Cambridge to enter a complaint. Elizabeth and Dinah gave their evidence, and Robert Pierce posted bond for Elizabeth's appearance at the Court of Assistants to be held in September. Three days later Thomas Danforth issued a warrant ordering the local constable to gather "One or more able Midwifes with 2 or 3. disc[rete] women" to search Elizabeth's body for evidence of sexual activity.[19] The following day—presumably on the strength of the women's evidence—Thomas Danforth summoned Benjamin Simonds to his home. Simonds admitted that he had been with Elizabeth "at the time & place shee shee [*sic*] mentions" but denied the rest of her charge.[20] With the help of two of his brothers-in-law and two other men, Benjamin posted bond for his appearance at the September Court of Assistants.[21] Despite this bond, Benjamin was committed to prison in Boston. His widowed mother, Judith Simonds, petitioned the court to "Consider me in my afflition" and release him because she was "growon adged very week" and Benjamin was her "ch[ief] help."[22] The court's answer is not recorded.

Two months later, on September 14, Elizabeth, her immediate family, and her cousin Dinah Knight made their way to the town house in Boston.[23] Woburn, with nearly one hundred families, was no insignificant hamlet in 1676.[24] But Boston, its main streets "paved with pebble

stone" and lined with "many fair shops" and its side streets crowded cheek by jowl with houses, must have presented quite a contrast to Woburn's large open tracts of land.[25] The family headed for what may have been the most impressive edifice in the city: the Boston town house. Built in 1658, the town house stood on twenty ten-foot-high pillars with "Pedestall & Capitall." In an era in which most houses were low-ceilinged and dark, the rooms of the town house were ten feet tall. Its windows were glazed so that even in the winter the sunlight might shine in. Its roof was decked out with three gables on all four sides of the building, and on top a walkway bounded by rails and balustrades terminated at a turret on each end. Below merchants conferred in the open air among the pillars. Elizabeth and her family climbed up, past rooms in which the artillery company met and church elders conferred, until they reached a room in which sat twelve magistrates.[26] The cases being heard that day were serious ones. First on the docket was a couple being tried for adultery. Although convicted on the lesser charge of "suspitious acts leading to Adultery," both were sentenced to stand on the gallows with a rope around the neck, in a symbolic execution before being severely whipped and discharged. The next four men were charged with murder, convicted, and condemned to die. At last, Court of Assistants was ready to hear Elizabeth Pierce's story.[27]

The story Elizabeth Pierce and her family told is fairly easy to reconstruct.[28] Elizabeth's narrative was simple. She began by reiterating the testimony she had submitted to Thomas Danforth two months before. On July fifth, as she was returning to her father's house, she met Benjamin Simonds on the highway. He grabbed her, dragged her into the bushes, and threw her to the ground. Although she told him that the act he was about to commit would "be both sin & shame to you & mee as long as wee live," Benjamin replied that "it would be no shame to him." Although Elizabeth resisted, Benjamin was stronger. As the sun was setting, Elizabeth told the court, Benjamin Simonds "did forcible commit a rape upon her."[29] Elizabeth then added a few more graphic details, which served to heighten the violence of the encounter. She told the court that when Benjamin was "a halling of me into the bushes" her foot became entangled in her horse's bridle, and she had to beg Benjamin to let her release it. Benjamin had not only denied that unlawful intercourse would shame him but bragged "that he Could gett a boy and put it out againe"—a probable

reference to abortion. Finally, Elizabeth described the more intimate details of the encounter in an attempt to underscore its nonconsensual nature. Benjamin had evidently had trouble entering Elizabeth, for, as Elizabeth described, "he sett my bodie twise by spitting on his hand." When Benjamin finally entered her body, Elizabeth recalled, "I told him that he did hurt me."[30]

Elizabeth's parents had little to add. Both testified that Elizabeth had been distressed upon her return home on the night of July 5. Mary recounted how Elizabeth had cried as she prepared breakfast but refused to say what was wrong. Robert recalled Elizabeth's hysterics as she tried to tell him her story in the fields outside their home. Their neighbor, John Craggon, corroborated Robert Pierce's story. Robert Pierce added that Benjamin had come to the Pierce household to deny Elizabeth's story. Although he admitted to being in the bushes with Elizabeth, he claimed that the two had only talked. Robert pointed out—to both Benjamin and the court—that if all Benjamin wanted to do was talk, there was no need to do it in the bushes.[31]

Elizabeth's star witness was her cousin, Dinah Knight. Her story was simple but evocative. As she was going to her father's house, she came upon Elizabeth Pierce's bonnet lying in the highway. At first, she thought that Elizabeth had been attacked by Indians, but then she heard Elizabeth and Benjamin speaking from a stand of hazel bushes. Elizabeth was protesting; Benjamin was refusing to be persuaded. She described the area where Elizabeth and Benjamin lay as "in the woods" and recalled that when Benjamin "arose from the ground he pulled up his breeches." A lost bonnet, Indians, bushes, and woods. Dinah's story suggested a dangerous place, where Indians might attack without alerting neighbors, where a bonnet might lie unnoticed. The bushes and woods suggested an isolated rural place. It was testimony that might bring the words of Deuteronomy into the minds of the jurors: "For he found her in the field, and the betrothed damsel cried, and there was none to save her."[32]

Benjamin Simonds's defense is much more difficult to reconstruct. His case would ultimately be heard by three different courts. File papers are preserved from only the final hearing, which took place in the Middlesex County Court held in Charlestown. Theoretically, the Charlestown court should have received and preserved all the papers produced at each of the case's prior hearings. Each of those papers should

have "sworn in court" and the date of the court at which they were produced written at the bottom. On Elizabeth's side, the testimony of Dinah Knight, depositions given by her immediate family, John Craggon, and Elizabeth herself are marked "sworn in court" on 14 September 1676 (the date of the Court of Assistants trial). No testimony given in Benjamin Simonds's defense is similarly marked. It is extremely unlikely that Benjamin failed to make a defense or produce witnesses. Either all of Benjamin's witnesses gave their evidence viva voce, or their depositions were lost sometime in the last three hundred years; but papers produced in later trials provide clues about the character of Benjamin Simonds's initial defense. Evidence from later file papers strongly suggests that Francis Wyman, Elizabeth's former master, gave testimony before the Court of Assistants. Evidence from the jury of matrons who examined Elizabeth's body several days after the alleged rape did support Benjamin's case in some respects, and this evidence was given before the Court of Assistants as well. And Benjamin submitted a petition to a later court that was likely quite similar to the argument he—and perhaps members of his family—made before the Court of Assistants. If all three of these suppositions are true, then Benjamin's defense turned on three—not entirely consistent—assertions: that Elizabeth Pierce was a known liar; that she did not adequately resist Benjamin's advances; and that Dinah Knight's characterization of the spot where their encounter took place was misleading.

Benjamin Simonds's witnesses testified that Elizabeth Pierce was a known liar. Francis Wyman's deposition is undated, but a reference to it in Robert Pierce's petition to a later county court indicates that Wyman testified before the Court of Assistants. Francis's brother, John, was the guardian of Benjamin's brother, and the Wyman family would eventually become key players in Benjamin's defense. Francis Wyman testified that Elizabeth Pierce had lived in his house as a servant and that during that time he had found her to be a "veri ffoolesh girle." She was, according to Wyman, "verie much given to speak fals" so that he found that he could not give credit to anything she said. If Benjamin was collecting former masters to speak on his behalf, it is quite likely that Samuel and Sarah Walker's undated deposition was also given before the Court of Assistants. The Walkers, like the Wymans, had employed Elizabeth as a servant, and they too found that she was "much given to Speeking

fallcse."[33] The testimony may have been particularly damning, because all three deponents were related to Elizabeth Pierce. Francis Wyman was Elizabeth's uncle by marriage. Samuel and Sarah Walker were brother- and sister-in-law to both Elizabeth Pierce and Francis Wyman.[34] (See Figures 2 through 6.)[35]

The jury of matrons testified, partially in Benjamin's defense, before the Court of Assistants. All four of the women who examined Elizabeth's body were family members of those involved in other aspects of the case. Three of the four were members of families friendly to the Simondses. One, Mary Bacon, was allied with the Pierces. Mary Bacon was the wife of Michael Bacon, who would later assist Dinah Knight in recording her testimony. The Bacons were intermarried with the Knight family.[36] Margaret Clark was the second member of the group. Both her husband and her son-in-law stood as sureties of one of Benjamin Simonds's bonds. Rebecca Tidd was the mother of the woman Benjamin Simonds was courting.[37] Susannah Johnson was the widow of Edward Johnson. The Johnson family had intermarried with

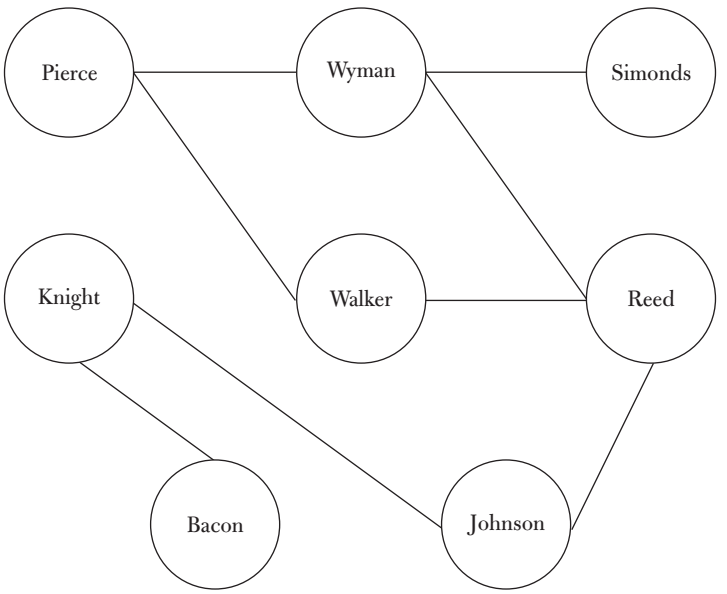


Figure 2: Overview of connections between families involved in Pierce/Simonds case

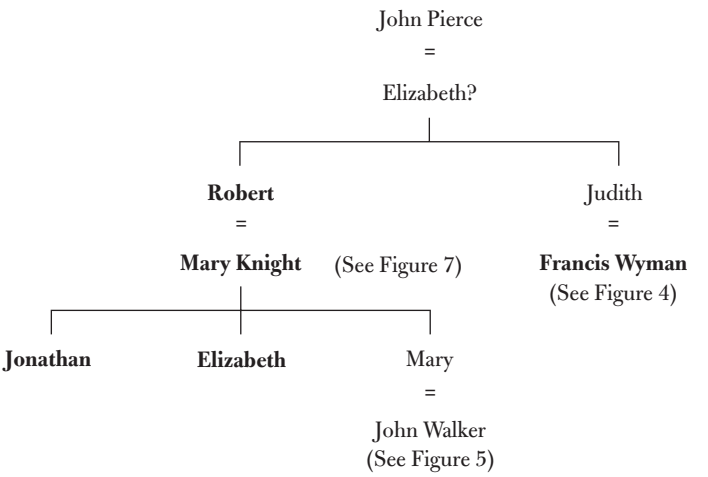


Figure 3: Pierce family connections

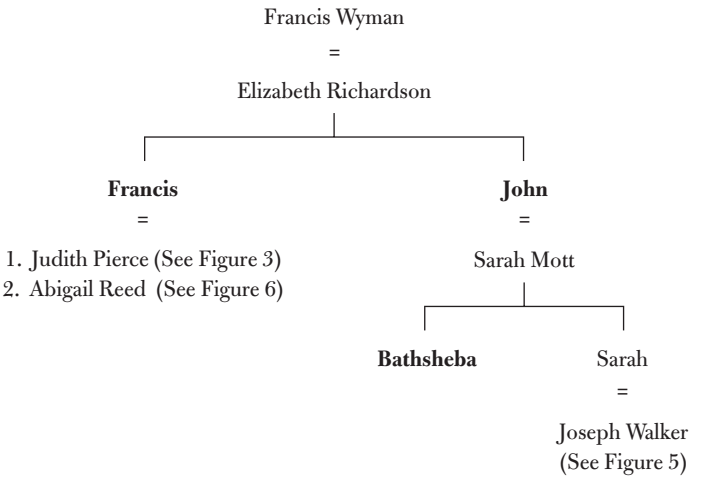


Figure 4: Wyman family connections

the Wyman and Walker families, who would later testify in Benjamin's behalf (see Figures 7 through 10).[38] The matrons' testimony was ambiguous. After examining Elizabeth's body, they testified that they found evidence of "sum cors of nater which she never had befor." The women's written testimony offered no details about what that course entailed, nor did it speculate about whether the changes in Elizabeth's body were

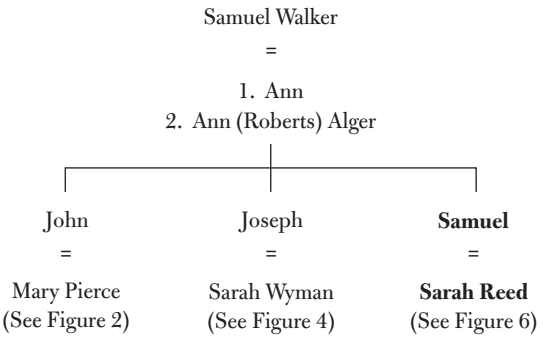


Figure 5: Walker family connections

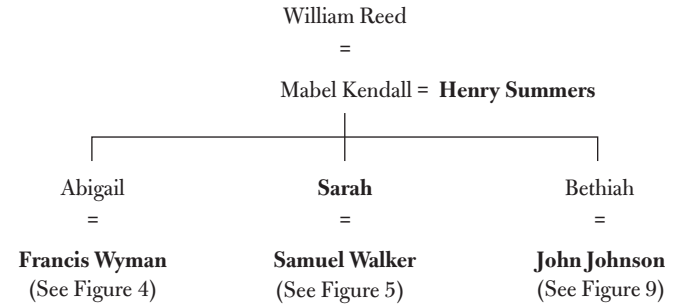


Figure 6: Reed family connections

linked to sexual intercourse. Perhaps the women clarified their statement orally before the court, or perhaps they were unable to come to a consensus about the meaning of Elizabeth's new "cors of nater." The women also questioned Elizabeth about the circumstances of her encounter with Benjamin Simonds, and their evidence on this point was a great deal less vague. They recalled that Elizabeth had told them that Benjamin had pinned her to the ground with his leg, rather than producing a weapon, and that he entered her body only "a litl." Most damningly, "she did not cry out."[39]

Susannah Johnson and Margaret Clark appear to have considered Elizabeth's words more important than the testimony of her body. Although there is no evidence that any of the women clarified their vague physical findings, both Johnson and Clark expanded their initial testimony about Elizabeth's lack of resistance and objected to testimony

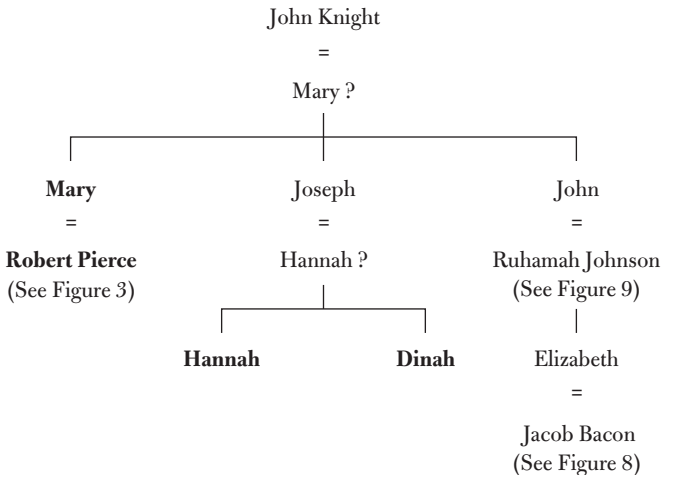


Figure 7: Knight family connections

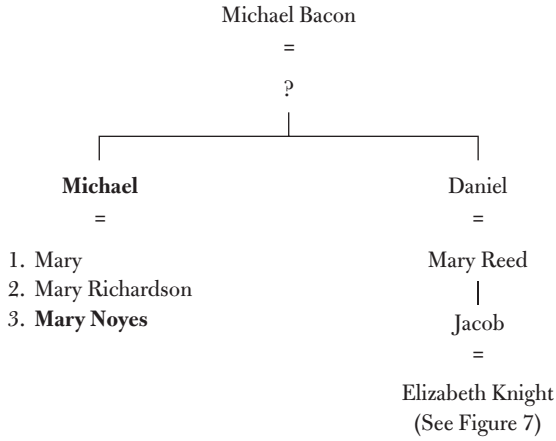


Figure 8: Bacon family connections

that contradicted their statements. In a later court, Johnson and Clark continued their story. After Elizabeth told them that she did not cry out when Benjamin attacked her, the women asked her why, and Elizabeth replied that "she durst not for fear he should knock her head." But when Johnson and Clark asked her if Benjamin had a weapon, she admitted that he did not. Evidently, Elizabeth claimed otherwise when questioned by the magistrates at the Court of Assistants. Susannah

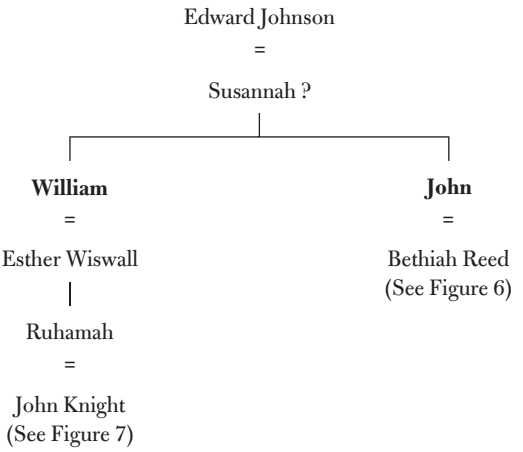


Figure 9: Johnson family connections

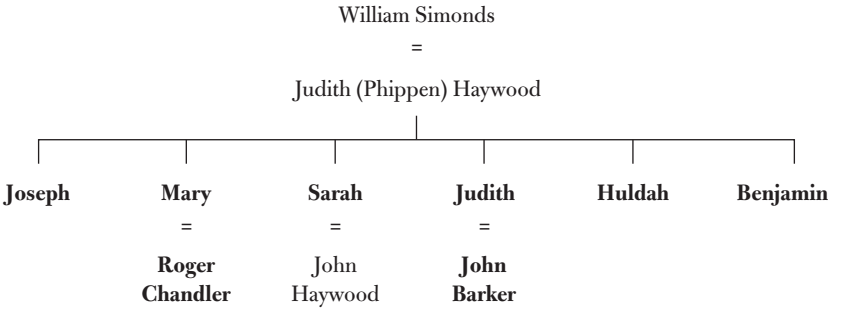


Figure 10: Simonds family connections

Johnson and Margaret Clark objected at that initial court, but later noted "we fear [it] was not taken notice of by the magestrates." They admitted that Elizabeth might have made "some smale show" of resistance but that her objections were evidently not vehement enough, in their opinion, to justify a charge of rape.[40]

The jury of matrons told a story suggesting that they believed Elizabeth and Benjamin had engaged in sexual intercourse and that Elizabeth had probably objected too ineffectually to categorize the encounter as a rape. Benjamin was not willing to admit so much. In his initial examination at Thomas Danforth's house, Benjamin admitted that he was with Elizabeth,

that he sat down beside her and "saluted her"—by which he may have meant anything from a friendly verbal greeting to a kiss—but that he had done nothing "unseemely." Benjamin swore to this testimony before the Court of Assistants.[41] Perhaps he said nothing more, but that seems unlikely. His petition to a later court suggests what Benjamin's initial defense may have looked like.[42] Benjamin's later defense pointed to his prior relationship with Elizabeth and contested Dinah Knight's characterization of the locale where his meeting with Elizabeth took place. According to Benjamin's testimony, Elizabeth left her cousin's company and approached him on the highway near his family's pasture. Certainly, if she had feared him—as she would later claim—she would have stayed with Dinah. Benjamin even suggested that Elizabeth's accusation sprang from a frustrated crush and remarked that a rape accusation was "Butt A poore manifastaicn" of love. Just as important, the place where the supposed rape had happened was all wrong. Benjamin's testimony labored to invert Dinah Knight's characterization of the spot as rural with its lost bonnet, imagined Indians, bushes and woods. In Benjamin's words, the encounter took place along an "open highway," suggesting traffic and the possibility of aid within shouting range. Furthermore, there were houses nearby. Rape was a crime of the country, and the road by the Simonds family pasture did not fit the bill. Benjamin argued that Elizabeth's claim defied credulity, and he told the jury "I hope they would think Such A thing Could nott be."[43]

The jury, however, was patently unsure whether "Such a thing" could be or not. Massachusetts law defined rape as "committing Carnal Copulation" with a woman "by force" and "against her own will."[44] Michael Dalton's *Countrey Justice,* the English justice of the peace's manual in use in Massachusetts, defined rape as "a violent deflowering of a woman, or a Carnall knowledge had of the body of a woman, against her will." Dalton wrote that a woman ought to bring a rape complaint shortly after the incident occured, but he also noted that there was no statute of limitations on rape. The only circumstance that might absolutely invalidate a rape complaint was pregnancy, since, in keeping with the two orgasm theory of conception, "a woman cannot conceive with childe, except she doe consent."[45] Rape, then, was defined by two amorphous concepts:

consent and force. Had Elizabeth consented, or had Benjamin forced her? To a modern observer Elizabeth's repeated verbal objections and Benjamin's legs pinning Elizabeth to the ground certainly suggest coercion. Seventeenth-century Massachusetts juries, however, were more comfortable convicting men of rape when testimony involved unlikely partners, torn bodies, lonely spots, and ignored cries.

In the eighteenth century, colonial juries would become unwilling to believe women who claimed to have been raped by men with whom they had a prior acquaintance.[46] This was not necessarily the case in the late seventeenth century. Indeed, if it had been, the Massachusetts courts would have been very rarely troubled by rape complaints. Seventeenth-century communities were too small to allow for very many real strangers. Of the twelve rape cases tried in the last four decades of the seventeenth century, six produced case papers that survive to the present day. In each of these six cases, the man involved was punished (despite the fact that one was found not guilty). Only one woman claimed that she did not know her attacker. The others were raped by boarders living in their households, by neighbors, and, in one woman's case, by her master. Most were raped by men to whom they would have been unlikely to consent. In some cases the discrepancy was based on age. Two were young teenagers who were attacked by older men; one victim was a child under the age of consent. Experience Holbrooke was attacked by her master. Bethiah Johnson was different. Although the story she and her family told had all the other hallmarks of a believable rape case, Bethiah had a reputation for loose sexual morals, and her attacker claimed that he had been Bethiah's "Suitor," that he had requested permission to marry her, and that Bethiah's father had consented contingent on her agreement.[47] Bethiah's young brothers testified that Thomas Waters had carried Bethiah into the lean-to and bolted the door. The brothers attempted unsuccessfully to force the door. Unable to rescue their sister, they listened to her scream while Thomas raped her.[48] In 1680, Thomas Waters was found not guilty of rape, although he was banished from the colony.[49] If the jury believed that Elizabeth Pierce had any romantic attachment to Benjamin Simonds, she would not have been any more believable than Bethiah Waters.

Juries were also more comfortable convicting men of rape in cases that exhibited a higher level of violence than Elizabeth Pierce charged. Elizabeth's body, of course, was not examined until several days after her encounter with Benjamin Simonds, and it is possible that much of the physical evidence was lost. The altered "cors of nater" discovered by the women who examined Elizabeth Pierce, however, paled in comparison to what other women reported in similar cases. Thomas Keeney, a black slave, was only convicted of attempted rape after he attacked Scisely, an Indian child under the age of ten. According to the women who examined her, Scisely's body was "much rent & soar." Keeney failed to rape her only because she was not "Capeable there of by reason of her boude[s yea]res." Short of actual rape, however, the women found her "as greatly wronged otherwise as is imaginable."[50] Likewise, Betty, also an Indian child under the age of consent, was found to be "very much torn & abursed in hir secret parts." The group of women who examined her found that she was "tourne from ye bearing place, to ye fundament that there was scarsly any Space betweene, & that shee was torne side ways also."[51] One of the women who examined her testified "that she tooke up a handfull of blood of from the childs Coats & body."[52] Betty's attacker, a free Indian, was sentenced to be sold as a slave.[53] Sarah Bursely's mistress found blood on her shift, and the women who examined her found her body stretched and sore.[54] Sarah Lambert's attacker left his nail prints in her throat.[55] If Experience Holbrooke was examined for signs of rape, the extant documents associated with her trial give no evidence of it, but deponents told stories of how her master had beaten and kicked Holbrooke long before she accused him of raping her.[56] Given the specificity with which the jury of matrons questioned Elizabeth Pierce about a weapon, we might expect to find that most convicted rapists attacked their victims with blunt instruments or threatened them with knives. They did not. Most women who described the physical nature of attacks, like Elizabeth Pierce, claimed that their attackers overpowered them by pinning them to the ground with their bodies. These men managed to do plenty of damage unarmed.

Surprisingly few women described in any detail their efforts to fight their attackers. Bethiah Johnson's brothers said that their sister "strove with" Thomas Waters.[57] Most simply stated that they had been over-

powered. Although in the eighteenth century, jurors, before they would bring in a conviction, would expect to hear how a rape victim had put up a dramatic fight, seventeenth-century jurors seem to have believed that a woman's first duty was not to fight back, but to cry out or scream for help.[58] Descriptions of assaults that stopped short of rape suggest that crying out was a common defense. When John Glasier grabbed nine-year-old Ruth Richardson and threatened to "commit folly" with her in 1656, Richardson threatened to "crie out to her Aunt." When Glasier refused to stop, Richardson screamed, the aunt appeared, and, in Glasier's words, "further proceding were prvented."[59] When Thomas Wilkinson threatened to rape Mary Toothaker, she countered with her own threat: "if you do I will make the woods ring."[60] Ruth Richardson, Mary Toothaker, and many women who screamed when threatened with rape were successful in either frightening off their attackers or attracting help. Not all women were so fortunate, however.

No papers survive that describe Mary Ash's rape in any detail. If she screamed, there was no one nearby to hear her. Otherwise, all the women who brought charges of rape in the late seventeenth century cried out, except for Elizabeth Pierce. An Indian couple, Hezechia and John, testified that they "hard a cry & stoo[d] still, & heard it agayne" before they found Betty lying on the ground bleeding.[61] When Peter Croy threw Sarah Lambert to the ground and pinned her down, Lambert "cryed out to her sister," who came running but could do nothing. Sarah's sister testified that "when her sister cryed out he [Croy] took her by the throat with his hand and stopped her breath" to prevent her from attracting more-effective assistance.[62] Similarly, when Sarah Bursley attempted to cry out, her attacker "stopt hir mouth wth his mouth" in an horrific parody of a kiss.[63] William Cheny's indictment for rape specifically mentioned he had forced Experience Holbrooke "shee crying out."[64] Tragically, someone did hear Experience but neglected to come to her aid: Elizabeth Triscott testified that she "herd somebody Cry out very Lamentably" and identified Experience Holbrooke "by her wayle." Triscott's mother had already told her once not to interfere in the troubles at the Cheny household, and so Triscott ignored the cry until it was too late.[65] The jurors must have asked themselves if Elizabeth Pierce's fear that Benjamin would "knock her head" was the only reason she did not cry out.

And so the jury was at something of a loss. Had Elizabeth Pierce and Benjamin Simonds had intercourse? Dinah Knight's testimony strongly suggested that they had. And Elizabeth's own testimony was fairly explicit. But the women who examined Elizabeth's body produced ambiguous evidence at best, and Benjamin, of course, had denied it. If Elizabeth had had sex with Benjamin, had he forced her, or had she consented? Her body was suspiciously free of physical injury. But Dinah Knight bore witness to those troubling words: "let me alone" and "this be a sin to you and me to and a disgrace to us both as long as we live." Dinah Knight was both the strength of Elizabeth's case and its weakest link. Even as she quoted Elizabeth's words, her presence at the scene underlined what Elizabeth had not done. She had not employed a woman's most common defense. She had not cried out for help. What was a jury to do? They were quite sure that Benjamin Simonds was guilty of something; they were unsure of what.[66] The jury's indecision was aptly reflected in their verdict. Unwilling to convict Benjamin Simonds of rape in the absence of a broken body or a cry for help, they at first convicted him of attempted rape, but rather than handing down a sentence, they remanded him to a lower court to be tried for "his fornication or his forcibly abusing Elizabeth Peirce."[67] If Elizabeth and Benjamin had had intercourse, the jury seemed to be saying, then the act was consensual. If Benjamin had coerced Elizabeth, then he had not penetrated her. The verdict precluded nothing but what Elizabeth had charged: rape.

And so less than a month later, on October 3, Benjamin Simonds, Elizabeth Pierce, their families and friends made their way to the county court at Cambridge. This time their destination was a less impressive structure. Located only a few blocks from Harvard College and across the street from the meetinghouse and marketplace was the Blue Anchor Tavern, where the county court met at its Cambridge sitting.[68] The stakes were lower this time. Benjamin was no longer accused of a felony and no longer on trial for his life. More than the physical setting had changed for Elizabeth as well. When the Court of Assistants charged the lower court to determine precisely what Benjamin Simonds might be guilty of, they introduced the possibility that Elizabeth, too, might become a defendant. That possibility was not lost on

Elizabeth's father, who quickly petitioned the county court to remember that Elizabeth's own testimony was her "only condemner & that by force."[69] Since the Court of Assistants' verdict had precluded the possibility of a conviction for rape, Elizabeth's testimony that she had engaged in intercourse with Benjamin Simonds could easily be twisted into self-accusation.

No testimony survives from Benjamin's initial defense, and it is likely that few witnesses had had anything to say in Benjamin's behalf when he stood before the Court of Assistants. Ironically, it was at the lower court that Benjamin's friends and family members turned out in full force. Either Benjamin had been unaware of Dinah Knight's testimony, or he had initially underestimated its importance. At his first trial, no witness had questioned Dinah's character or directly contested her veracity—at least not in writing. Dinah Knight's testimony continued to be important. She had not seen Benjamin actually rape Elizabeth, but since a rape conviction was no longer an option, that hardly mattered. She had, however, heard Elizabeth object to Benjamin's advances, and that could make the difference between a conviction for fornication, a crime that Elizabeth might also be convicted of, and the more serious charge of forcible abuse. At the county court at Cambridge the proceedings revolved around not Benjamin or even Elizabeth, but around the character of Dinah Knight.[70]

Witnesses who spoke in behalf of Benjamin Simonds made several accusations against Dinah Knight: that she was a liar in general; that she knew both more and less about the evening of July 5 than she claimed; and that she had knowingly perjured herself for her cousin. Three women—Sarah Heywood, Judith Barker, and Mary Chandler—testified that Elizabeth's father had complained to them about his niece Dinah Knight. According to these women, Robert Pierce had told them that Dinah "was such a most terre[ble] lying girle that he could not know how to live by her" and that he thought "he must remove his habitation nearly because of that lying girle."[71] The testimony must have looked damaging indeed. In fact, Benjamin Simonds attempted to have Dinah Knight disqualified as a witness "partly from the report of her uncle Robert pearce" because only those of "sound understanding" could legally testify in court.[72] Perhaps the court was aware that Heywood, Barker, and Chandler were Benjamin Simonds's married sisters. That each of these women's husbands stood as sureties on

Benjamin's bonds was probably not lost on the court.[73] Dinah Knight remained a viable witness through the end of the proceedings.

Elizabeth Glazier and Bathsheba Wyman suggested an alternative explanation for both Dinah's testimony and Elizabeth's complaint. They claimed that Dinah Knight had indeed been present at the encounter between Benjamin and Elizabeth, but that she had misunderstood its import. Both claimed to have heard Elizabeth Pierce say, only a few days after she made her complaint before Thomas Danforth, that she had not entered a complaint against Benjamin because of any wrongdoing on his part.[74] Indeed, she would not have said anything about the incident "had not dina knight come by and spake of it first." When Dinah told Elizabeth that she had heard the two talking and had seen Benjamin pull up his breeches, however, Elizabeth invented a story about rape rather than admitting that she had consented to intercourse. Later Bathsheba asked Elizabeth Pierce whether she had cried out, and Elizabeth told her that she had not. When Bathsheba asked why not, Elizabeth replied that "she [Bathsheba] knew why and gave no Reason." Both interrogators asked whether Benjamin had threatened her and whether she "did not love him better then any other man." Elizabeth Pierce admitted that once she had.[75] If Elizabeth Pierce did say anything to Glasier and Wyman, she made a terrible mistake. Bathsheba Wyman was the daughter of Francis Wyman, and Francis was guardian to Benjamin Simonds's brother.[76] Elizabeth Glasier had ties to the Wyman family as well. She and her husband had once been the tenants of the Wyman brothers. A man who became embroiled in a legal dispute with the Wymans in 1662 found Elizabeth Glasier to be their staunchest ally and claimed that Goody Glasier was not to be believed "being thier tenent and wreteng to ples them."[77] By 1676 the Glasiers had their own land, but their testimony was still pleasing to the Wyman family.

Elizabeth Glasier was not finished telling her story about Dinah and Elizabeth's perfidy. She also testified with Benjamin's sister, Huldah Simonds, that Dinah Knight knew both more and less than she was telling. According to Glasier and Simonds, what Dinah had not told the court was that she and her sister, Hannah, were with Elizabeth when she first saw Benjamin near his family's pasture. Although Elizabeth had earlier implied that Benjamin had, without provocation, simply pulled

her off her horse as she rode by, Glasier and Huldah Simonds testified that Elizabeth had voluntarily dismounted and given her horse to Hannah Knight to take home. Presumably, she either expected to walk with Benjamin or did not want her horse wandering off while she and Benjamin were dallying in the bushes. Hannah offered to see Elizabeth home, but Elizabeth refused. Dinah actually knew nothing about what took place in the bushes. Dinah's sister, Hannah, told Huldah Simonds and Elizabeth Glasier that Dinah "knew nothing but what her cousen Elizabeth pearce told her."[78] Elizabeth Glasier's husband joined his wife in testifying that both had heard Dinah herself admit that she knew nothing about the encounter between Elizabeth Pierce and Benjamin Simonds "but what har cousen Elizabeth peirce tould har."[79] That this story did not quite mesh with Glasier's earlier story about Dinah as the unwitting instigator of a rape complaint does not appear to have particularly disturbed Elizabeth Glasier.

Finally, John Tidd testified that Elizabeth had suborned perjury from Dinah Knight, and that she had paid Dinah to testify. Tidd, the father of Benjamin's girlfriend, claimed that he had heard Dinah say that Elizabeth had asked her to lie to the court, and that Dinah had agreed on the condition that Elizabeth pay her. According to Tidd, Dinah's sister knew about the arrangement, and was willing to testify.[80] Dinah's sister was, in fact, willing to testify to no such thing, but John Tidd's accusation probably sounded believable to many. Dinah evidently became confused in some way during the trial. According to Benjamin Simonds "first she denyed what John tide Testified and then owened it in open court." She also contradicted herself in "several other wayes."[81]

Although the Cambridge court heard testimony in the Benjamin Simonds case, the case was never actually tried at that court. Instead both Benjamin and Elizabeth entered into recognizance for their appearance at the next county court, which was to be held at Charlestown in a little more than two months, on 19 December 1676. Elizabeth's family and friends swung into immediate action to shore up Dinah Knight's testimony. According to Michael Bacon (a relative of Dinah Knight), the Pierces' neighbor John Craggon, and Robert Pierce, Hannah Knight was deeply disturbed by the proceedings at the Cambridge court. She told the three men "with much troble of spiret" that she could not corroborate John Tidd's

testimony and had no reason to believe that Dinah had perjured herself. Of her own accord, she went to her kinsman, Michael Bacon, and asked him to write down her testimony so that she could present it to Thomas Danforth in Cambridge.[82] Six days after attending the Cambridge court, Dinah Knight and her sister traveled back to Cambridge to testify before Thomas Danforth. Dinah's testimony remained unchanged.[83]

Elizabeth's family and friends were left with the task of explaining the apparent discrepancies in Dinah Knight's earlier testimony. Robert Pierce entered an undated petition—probably to the court at Charlestown—in which he explained the inconsistencies in Dinah's story. After Dinah Knight testified at the Court of Assistants, John and Elizabeth Glasier had approached her and asked "how she Could give in such a testimony as shee did." Dinah told them that she had only testified about what she had heard Elizabeth say to Benjamin in the bushes. It was only after Dinah questioned Elizabeth about what she had heard that she understood that Elizabeth was trying to talk Benjamin out of raping her. According to Robert Pierce, the Glasiers had attempted to deceive the court by repeating only the second half of what Dinah had told them.[84] Dinah's interpretation of Elizabeth's words was based solely on what Elizabeth had told Dinah, but Dinah was a firsthand witness to the words themselves. Dinah Knight's testimony before the court at Charlestown confirmed Robert Pierce's.[85] Hurried conferences, scribbled depositions, and a trip back to Cambridge. The Pierces and their friends were not idle in the two months between the courts at Cambridge and Charlestown, but if Robert Pierce's construction of events was correct, Benjamin Simonds's friends and family had been busy as well.

On December 19, 1676, just a little over five months after the entire affair began, the parties made their way to John Long's tavern in Charlestown. Like Belcher's Blue Anchor Tavern, where the Cambridge county court met, Long's tavern was located in the center of town across from the marketplace and meetinghouse. Unlike Belcher's tavern, however, Long's tavern had an impressive history as a public building. In 1630 it had been the home of Governor John Winthrop. The General Court of the colony had met there, and for several years in the early 1630s it had served as Charlestown's meetinghouse. With its two full stories, ample—

for the seventeenth century—dimensions, wine cellar, brew house, and stables, its appearance was more elegant than the average tavern.[86] Inside, the main room of the tavern sported carpets covering the tables.[87] Sherds of Italian slipware and Dutch delft ceramics that would be found more than three centuries later suggest that the tavern's patrons may have been accustomed to eating out of smooth, multicolored, imported ceramics.[88] Customers could choose beverages ranging from the beer brewed in Long's distillery to more-expensive imported wines from his cellar.[89] The £85 worth of silver—equivalent in value to the fifteen acres of land mentioned in John Long's estate inventory in 1683—may have been worked into tankards for the drinking pleasure of Long's customers. It was not the Boston town house, but Long's tavern was a setting befitting the majesty of the Middlesex County Court.[90]

The parties entered very little new evidence into the record at Charlestown. Indeed, there was only one new witness. John Craggon's wife, Sarah, implied that Elizabeth had been frightened of someone or something in the Simonds household even before she charged Benjamin Simonds with rape. As King Philip's War raged in 1676, all the residents of Woburn were crowded into a few garrisoned houses. The Pierce family had originally been assigned to live in the Simonds garrison, but they had left that house and moved in with the Bacon family in April—about three months before Elizabeth accused Benjamin of raping her.[91] Sometime between April and July, Elizabeth's mother became exasperated with conditions at the Bacon garrison and tried to persuade her husband to move back in with the Simonds family. When Sarah spoke with Elizabeth, however, she found Elizabeth "very unwiling" to return to the Simonds household. Indeed, Elizabeth begged Sarah to persuade her parents not to return and said that, if they did, "if she cold help it she would not goe with them." Several times after that conversation, Elizabeth returned to the subject and pressed Sarah to persuade her parents not to return to the Simonds garrison. Surely, Sarah's testimony seemed to imply, if Elizabeth had been carrying a torch for Benjamin, she would have been eager to return to the Simonds home. That she objected so vehemently suggested that she already feared Benjamin Simonds.

Sarah Craggon appears to have been a close family friend.[92] She was probably the first person to examine Elizabeth's body after her encounter with Benjamin Simonds. Craggon did not volunteer information

about what she found. She was not present at the Court of Assistants at Boston, where that information might have helped Elizabeth's case.[93] Since Benjamin had been acquitted of rape, evidence that Elizabeth and Benjamin had engaged in intercourse could only hurt Elizabeth. The testimony that initially might have been used as evidence of rape could now point to nothing but consensual fornication. Unlike the official jury of matrons, who had examined Elizabeth several days after the alleged rape had taken place and had only found something they referred to vaguely as a "cors of nater" that had not been present previously, Sarah Craggon had found evidence of intercourse. When questioned by the court at Charlestown, Sarah admitted that when she searched Elizabeth's body she found "spols [spoils]"—almost certainly a euphemism for semen—on Elizabeth's clothes such that "she did apprehend wickedness to be comited."[94]

Testimony given in earlier hearings was repeated—either orally or in written form. The Pierces and their friends spoke in support of Dinah Knight's testimony. Robert Pierce offered objections to the depositions given by his daughter's former masters and mistresses, and he reminded the court that no one, not even Benjamin, denied that the young man had been present when and where Elizabeth claimed he had raped her.[95] Benjamin Simonds offered a plea for his innocence and referred to testimony his mother had given about how brief a time he had been from home on the day in question as well as to testimony that Elizabeth had approached him voluntarily. Once again, he brought up the apparent inconsistencies in Dinah Knight's testimony.[96] There was nothing left but for the jury to render its verdict.

Robert Pierce must have had some urgent business, because he left the courtroom before the jury was impaneled, but the next day, shortly after dawn, Robert encountered John Johnson, who had a vital bit of information. Johnson told Robert that "the juari had cleard benjamen simones and fonnd for him cost of cort." "Ho tould you?" asked Robert. "Isaac Brookes," came the answer, "but you must say nothing."[97] The two men made their way to the tavern. The situation did look suspicious. Robert Pierce approached James Convars and asked him to observe Isaac Brooks's behavior. Convars watched while Brooks "went up and down one while to Jno Johnson and on other while to benja[min]

simonds." John Johnson was not only Robert Pierce's informant; he was also a witness in another case being tried at that same court. Convars then rebuked Brooks, "telling him that It was ofencive for him that was a Jury man to be talking with persons concerned in cases when the cases were trying."[98] James Convars's rebuke was too little, too late. Johnson's information was correct. "In the case between Benjamin Simons and Elizabeth perce wee finde Benjamin Simons not guilty of fornication and find for Benjamin Cost of Court" read the jury's foreman before the court. But Robert Pierce and John Johnson were not the only two men who found the verdict suspicious. Benjamin Simonds had elected to be tried by jury, and, after 1672, the bench no longer had the authority to overrule a jury's verdict.[99] In this case, the magistrates instead suggested that the jury might want to reconsider. The jury duly retired a second time. Robert Pierce leaned over and asked John, "what think you Goodman Johnson . . . what wil the juarri doe now?" Johnson answered, "they wil bring en the sam farce again."[100] And so they did.[101]

At that point Robert Pierce complained. He explained to the bench that he had not been present when the jury was impaneled and added darkly, "and if I had I did not know what hee wold doe." Robert Pierce objected to the jury on three grounds. First, John Wyman was an inappropriate juryman because he had an interest in the case. His daughter was a witness for Benjamin Simonds, and his brother was guardian to Benjamin's brother. Second, the jury had been illegally chosen. Third, as Robert put it, "becose I doe thinck that the jeury were chosen apurpas for this and another action that did not Come to Court." Robert objected specifically to John Wyman and Isaac Brooks. Charging that a jury had acted fraudulently—known as "attainting" a jury—was actually quite common in the years after 1672. Indeed, in March of 1681 over a quarter of all those who lost their cases in the Court of Assistants attainted their juries. By the late seventeenth century, the practice of attainting a jury had fallen out of usage in England, but once it had allowed a wronged party to take criminal action against corrupt jurors. In Massachusetts, however, attaint functioned somewhat differently. It allowed those who lost at court to secure a new trial quickly and without introducing new evidence. In most of these cases, attainting a jury was probably nothing more than a ploy to get a new trial

in the hopes that a different jury might be more sympathetic.[102] Robert Pierce, however, appeared to have had legitimate grounds for complaint.

The county court appointed two men, John Carter and Josiah Convars, to look into the matter. According to Massachusetts law and Woburn custom, the secretary or clerk of court should have issued a warrant to the constables in the various towns in Middlesex County, alerting them that the county court was soon to be called into session and advising them to warn all the freemen in town to gather and elect jurymen.[103] What Carter and Convars found was disturbing. First of all, neither of the two Woburn constables had received the warrant until shortly before the trial. Benjamin Simonds had somehow obtained it, and he held the warrant until Constable John Seers specifically sent for it. John Seers managed to warn nine, out of a possible forty, freeman to turn out for the election. The other constable, Henry Summers, "took no pains to warn the freemen." In the end, only five or six men appeared. Then, Henry Summers "nominated" John Wyman as a juror. Whether any sort of election followed this nomination is unclear.[104] As supporting documentation, seven men submitted a complaint that they had not been warned for jury selection.[105]

Thomas Danforth issued a warrant for Constable John Seers to warn his partner, Henry Summers, to appear before the court, but there is no evidence that any of the men involved were actually punished for jury tampering. Nevertheless, it seems certain that something fishy had been going on. That the warrant to warn the freemen had disappeared into the hands of Benjamin Simonds is certainly suspicious, although there is some evidence that Middlesex County officials tended to be less than careful with paperwork. Fifteen years later, in 1691, two women in Charlestown were convicted of improperly selling alcohol and committed to jail until they could post bond. The two women asked for a copy of their mittimus, the warrant that should have been sent from a magistrate to the jailor. What followed might have been comic if the stakes had been lower: "they sending to the Marshal for a Coppy of their Mittimus, he told the Messenger. he had none, but supposed that Clerk had it; Sam. Phipps the Clerk being spoken wth., said, he had none, but he believ'd the Marshal had it, & if he had none, then. there was not granted." The women were then sent home until Daniel Gookin arrived and, upon being asked for his warrant, replied "he was the Kings Officer &

needed no Warrt" and returned the women to jail.[106] That a warrant should be lost was one thing; however, that it might fall into the hands of a defendant suggests something a cut above carelessness. The missing warrant and the illegally elected juror probably have a single explanation. Constable Henry Summers was Francis Wyman's father-in-law.[107] Francis Wyman was the brother of John Wyman, and John Wyman (the illegally elected juror) was guardian to Benjamin's brother. Isaac Brooks's participation remains a mystery, but since he appears to have been consorting with the people involved in two different trials, personal gain, rather than personal loyalty, would seem the obvious motive.

Robert Pierce succeeded in having two new jury members impaneled and a new verdict rendered. The jury found "Benjamin Simons guilty of wanton dalliencs with sd. Elizabeth perce tending to uncleannes."[108] The bench then "considered the scandalous cariage of Benjamin Simons & Elizab. Peirce, in their wanton dallyances together" and sentenced each to either pay a fine of forty shillings or to be whipped ten stripes apiece. There is some evidence, however, that the bench considered Benjamin to be the more culpable of the two. They required him to pay both his and Elizabeth's court costs, which amounted to more than twice the value of his fine.[109]

From the beginning of the trials in the lower court, Robert Pierce had feared that "shame and punishment" would come to Elizabeth despite the fact that her own testimony was her "only condemner & that by force." And so it had. But Robert was, perhaps, not entirely blameless in that conclusion of events. Benjamin Simonds was evidently not the only person with access to official court documents. Shortly after the county court found Elizabeth guilty of wanton dalliances, Robert Pierce petitioned the court once again. This time he admitted to failing to turn over all of the evidence presented at the Court of Assistants to the Middlesex County Court: he had retained the deposition in which Elizabeth described how Benjamin had lubricated her body before raping her. It was by far the most explicit testimony given in any of the court proceedings. It seems unlikely that the omission was accidental. Allowing that testimony to be presented before the Court of Assistants was one thing. The Court of Assistants met in Boston, and both spectators and jurors were from all over the colony. The county court trials were more local affairs,

however. Elizabeth Pierce and her family were more likely to see many of the people present at those trials in the course of their daily lives. Furthermore, the testimony pointed squarely at rape. By the time the county court trials convened, a rape conviction was no longer a possibility. If the jurors found that intercourse had taken place, they would also have had to find that it was consensual. After Elizabeth was convicted of voluntary sexual misbehavior, however, Robert Pierce evidently decided that the evidence pointing to coercion was more important than the evidence pointing to intercourse. There had already been four verdicts in the case, however, and the courts were finished with it. Robert Pierce's petition had no effect.[110]

The Pierce family had one more trick up its sleeve, and this one appears to have been masterminded by Elizabeth's mother, Mary Pierce. A week after the county court at Charlestown rendered its devastating verdict, Elizabeth's mother made one more trip to Charlestown to meet with Thomas Danforth, who was still sitting on the court's bench. She carried three pieces of testimony signed by members of her family.[111] Together they spun a tale about the illicit goings-on they had observed while living in the Simonds garrison. All four members of the Pierce family signed either their names (men) or their marks (women) to testimony that they had "frequentli" seen Mary Tidd sit in Benjamin Simonds's lap and observed them smoking tobacco together.[112] Elizabeth Pierce and her mother, Mary, told a second, more damaging story. One night Mary Pierce sent Elizabeth's younger sister to bed, but the child refused to settle down and go to sleep. When Mary and Elizabeth went into the room where she lay to see what the matter was, they found Benjamin Simonds and Mary Tidd lying together on a bed. The couple had, Mary and Elizabeth remarked, "bin in the chamber som spac of tim."[113] The most graphic story was Elizabeth's alone. Her testimony stated that she had seen "Benjamin Simons Com with a rod to mary tid when shee was in hir bed." Benjamin approached Mary Tidd, "turned downe hir bed covering to hir middle and took hir by the arme & strok [struck] hir with the Rod that he had in his hand." Then Benjamin "lay Down on the bed and kised hir."[114] Although it is possible that Elizabeth meant to imply that Benjamin had a habit of forcing his attentions on unwilling women, the bulk of the Pierce family evidence suggests otherwise. More likely,

Elizabeth intended for her testimony to be interpreted as a shocking story about aberrant, but consensual, sexual behavior.[115]

Robert Pierce followed up this testimony with a petition to the county court. Ostensibly, the petition was one more attempt to convince the court that Elizabeth would never have consented to "dally" with Benjamin Simonds. Robert must have known, however, that there was little chance of reopening Elizabeth's case, and it is unlikely that this was his intent. Robert's communication to the court was framed in the guise of a petition rather than an appeal, which would have been the proper form if he really had intended to try for another hearing. Furthermore, there is no evidence that he posted bond for himself or any member of his family to appear at the county court to prosecute the case or give testimony before the full court. Robert's petition, like his wife's trip to Thomas Danforth and his family's depositions, was simply intended to spread gossip about the Simonds and Tidd families. The petition reiterated much of what was stated in the depositions Mary Pierce delivered to Charlestown. He added a few details. Robert Pierce claimed that he had seen Benjamin Simonds and Mary Tidd dancing together. Echoing and expanding on Sarah Craggon's testimony before the Charlestown court, Robert Pierce claimed that the disorders in the Simonds home were the reason that he had chosen to remove his family from the Simonds to the Bacon garrison. He told the court that after Elizabeth's mother suggested that they return to the Simonds garrison because they had been less "straittened" there, Elizabeth "was ernest with me that I would not yeild to hir mother to Return againe to the widdo simons house." Indeed, Robert himself claimed that he was also "very unwilling" to return.[116]

Officially, the petition and its attendant depositions went nowhere. There was no trial to follow, no verdict handed down, no official censure. Unofficially, the stories may have been more effective. Surely, if the Pierces presented their evidence to the authorities, then the tales were testimony rather than slander. But they were still shocking stories, and it is hard to believe that they stayed contained in the county court's files, to be dug up for the first time three and a quarter centuries later. The tales were simply too good not to get around. Testimony that never resulted in a trial had two other advantages. First, the Simonds family had no opportunity to

publicly counter it. They might have sued for slander, but they did not. Perhaps they believed that such a suit would only spread the scandalous stories more quickly. Second, the stories were directed at more than one person. Certainly the tales were intended to hurt Benjamin Simonds, but he was not the only target. Mary Tidd was the daughter of John Tidd, the only deponent to claim that Elizabeth had not only asked Dinah Knight to lie for her, but had paid her to do it. The opportunity to embarrass the Tidds must have seemed sweet. The best evidence suggests that when Robert Pierce's method—law—failed, his wife employed what was, after all, a traditionally female weapon: gossip.[117] Ultimately, Mary Pierce may have been more successful than her husband in wreaking retribution on the people she believed to be her daughter's tormentors.

What happened in the stand of hazel bushes along the highway in Woburn on 5 July 1676? Elizabeth Pierce and Benjamin Simonds are the only people who ever knew. Their families were almost as in the dark as we are. We do know a great deal, however, about how the Simondses, the Pierces, and a host of allied families and friends reacted after Elizabeth claimed that Benjamin had raped her. It is telling that the first two verdicts rendered by the county court at Charlestown began "In the case between Benjamin Simons and Elizabeth perce." Although these were technically criminal cases, in which the only parties were the defendant(s) and the crown, the jury recognized—at least inadvertently—that the cases played out as contests between alleged victim and attacker and their allies. It was only in the third verdict at Charlestown that the foreman remembered that he was not dealing with a civil suit. The third paper handed in by the jury's foreman reads: "In a case ~~depending between~~ ^of^ Benjamin Simons ~~and~~ ^refering to^ Elizabeth perce. . . ."

Both Elizabeth Pierce and Benjamin Simonds had families who were willing to go to great lengths to protect them. Perjury, jury tampering, character assassination, and vengeful slander are not the virtues we usually associate with the Puritans. Nor should we. Elizabeth Pierce and Benjamin Simonds's case was unusual in terms of the lengths to which their families went to see them vindicated. But if most

New Englanders would have abjured the methods, they also would have understood the motivation that led men, like Robert Pierce and John Wyman, or women, like Elizabeth Glasier or Mary Pierce, to do what they did. When family members faced prosecution for sexual crimes, the good of the little commonwealth far outweighed the more abstract common good. The ties that bound together families—even extended one—were far stronger than those that bound families to the colony of Massachusetts Bay.

CHAPTER 5

A Family of Allies

IT IS HARD TO IMAGINE an endeavor more emotionally perilous than parenting as described in seventeenth-century New England sermons. Seventeenth-century Englishmen believed that all forms of legitimate authority were interconnected. Parental authority provided the foundation for authority in both church and state. Quite simply everything of importance—from the good order of the state to the salvation of individual souls—rested on correct child-rearing. Englishman William Gouge's early seventeenth-century formulation of the concept is the one best known among American historians: "[A] familie is a little Church, and a little commonwealth, at least a lively representation thereof, whereby triall may be made of such as are fit for any place of authoritie, or of subjection in Church or commonwealth. Or rather it is as a schoole wherein the first principles and grounds of government and subjection are learned; whereby men are fitted to greater matters in Church or commonwealth."[1] Gouge's may be the best known and, arguably, the most eloquent formulation of the concept, but preachers on the western edge of the Atlantic regularly expounded the idea in their own words. "Families are the Nurceryes for Church and Common-wealth, ruine Families, and ruine all," wrote Increase Mather in 1679.[2] Increase's son, Cotton, wrote twenty years later, "*Families* are the *Nurseries* of all Societies; and

the First Combinations of mankind. *Well-ordered Families* naturally produce a *Good Order* in other *Societies.*"[3] James Fitch in 1683 told his readers, "These [parents who neglect family duties] want true love to Church and Common-wealth, they cannot but know that such as Families are, such at last the Church and Common wealth must be."[4] Or, as Deodat Lawson expressed it in 1693, "*The Foundation of a whole People or Kingdoms* Reformation, or Defection, Religion, or Rebellion *is laid in Families.* Families are the Constituent Parts of Nations, and Kingdoms; hence as Families are *Well* or *Ill Disciplined,* so will the whole be *Well* Disposed, or *Ill Inclined.*"[5] As God ruled over his people, a king ruled over his subjects, and a preacher watched over his flock, so fathers and masters governed their families. If God's providence, a king's just rule, and a minister's faithful care supported the good of families, it was no more so than family order buttressed the stability and faithfulness of subjects and Christians. What Cotton Mather said of masters and servants might have been said of fathers and children as well: "You do a little bear the Image of *God* in that *Government.*"[6]

Parents, but particularly fathers, were called upon to be all things to their children.[7] Just as families represented society in miniature, so fathers were to fulfill the roles of a variety of types of leaders. Deodat Lawson cited the example of the biblical Eli's lack of fatherly discipline and claimed "We have Gods Testimony against his neglect" because Eli failed in "Severely *Chiding* them as he was a FATHER, Deposing them as he was *High Priest,* and Punishing them Corporally as he was a *Judge.*" Lawson compared fathers and masters to the "SOUL *of the family.*" Ideally, the father/master was "the *Spring* of Motion to all Persons there; Every Child and Servant, acts by, From, and Under him."[8] It was an awe-inspiring responsibility, and one not even biblical figures had necessarily been able to discharge to satisfaction. Increase Mather reminded his readers, "Isaac was too indulgent towards his profane Esau so was David towards Absolom [*sic*], that afterwards proved a Rebel, rising up in arms against his own Father; and he did sinfully indulge Adonijah."[9] If not even the biblical patriarch David could satisfactorily fulfill his obligations to his children, what chance, ordinary men and women must have asked themselves, had they to do any better?

And yet it was vitally important that ordinary parents find a way to exceed David's parenting skills, for something arguably even more important than the prosperity of church or commonwealth depended on their efforts. "*The Master of the Family,*" wrote Lawson, "*hath an Especial Betrustment, with all the* SOULS *in the Family, and must* One Day *be Accountable* for them."[10] Godly families started out with an advantage. Calvinist ministers held that election tended to flow through bloodlines. Once God had covenanted with and elected one person, he was much more likely to single out that person's children and his or her children's children for salvation. Why, then, was New England in such a deplorable state? ministers asked their congregations. Surely the generation that had come out of England and braved the wilderness were the chosen of God. Why did the "rising generation" show so little sign of God's favor? Their answer was twofold. First, there was no guarantee that the children of godly parents were among the elect. "The most high to shew the Soveraignty of his grace," wrote Increase Mather, "sometimes chuseth some of the Children of a wicked Parent, and refuseth some of a godly Parent." This was, Mather explained, to make clear the dependence of man on God, for "it is not in the power of men to give grace, no not in the power of godly men, as much as to their children." Although godly listeners must have found this a harsh demonstration of God's grace, Mather makes clear that the damnation of a godly parent's child involved no unfaithfulness on God's part, for "Usually it is some evill in such parents (though otherwise godly) which the Lord doth punish in their children." In an effort to incite his readers to greater faithfulness, Mather laid before their eyes the fate they could expect for their children (and themselves) if they failed to reform and govern their families properly:

> If thy Children perish through thy evil Example, they will follow thee up and down in the ever burning Lake, crying out, Woe to us, that ever we were born of such Parents! that had no grace to teach us the wayes of God, and lead us in the paths of godliness; If you that were our Parents, had discharged your duty towards us, we might have been in the Joyes of Heaven, but now our damned Souls must live for ever in these everlasting flames; Thus wilt thou hear thine own Children yelling in thine Ears, world without end.

The trope of children and parents confronting one another either at Judgment Day or in hell was a common one in late seventeenth-century New England sermons. If parents took these teachings to heart, and there is no reason to believe they did not, they must have found the responsibility of raising their children to be a daunting one indeed. Mather himself asked his readers, "Canst thou think of this, and thy heart not break?"[11]

Cotton Mather explored the problem of children and salvation in his (ironically named) *Help for Distressed Parents Or, Counsels and Comforts for Godly Parents Afflicted with Ungodly Children.* Whereas Cotton's father, Increase, had provided examples of biblical figures who had ungodly children because they failed in their parental responsibilities, Cotton opened his discourse with a series of biblical figures who, despite their faithfulness to God, were saddled with rotten children. Solomon's only son, after all, was "None of the Best." Rebecca was *"Weary of her Life"* when her daughter married against her mother's will. Adam and Eve, whom Mather describes, oddly enough, as "the First *Godly Parents* in the World," had Cain, who became the first murderer. Noah, *"a Righteous and Perfect Man in his Generations,"* sired Cham or Ham, who was disrespectful to his father and whose children were cursed. Even Abraham himself, the man with whom God made his covenant, had Ishmael, who was a "wild man." Mather's conclusion, and presumably his comfort, to the aforementioned distressed parents was that they were not alone: "the man was not Born of *Mankind,* whose Family has no *Blemishes* akin unto it. Even so, If in a *Family* of many *Children,* there should be some *Ungodly* One to *Blemish* it, this is a Thing whereof I may say, *'Tis Nothing but what is common to man.*'"[12] If godly parents suffered, at least they did so in good company. A damned child might be a personal sorrow, but such a child was not necessarily a parental failure.

Not necessarily, but probably. Cotton Mather, in the tradition of Job's comforters, asked parents to examine themselves before they concluded that they were latter-day Abrahams. In truth, all parents had failed their children, even before their sons and daughters were born. Cotton Mather laid out the terrible, but inevitable, failing of parents. "Your Children had never been *Ungodly,* if they had not from you been, *Shapen*

in iniquity, and Conceived in Sin," he proclaimed. Every child entered the world with a potentially damning inheritance from his parents: original sin. Lest any of his readers should underestimate the harm parents did to their children, Mather drove home the point: "It would be a very Lamentable Thing, if a man should, though but *Occasionally & Involuntarily,* Hurt one of his own Children. Man, Thou hast *Poisoned* all thy Children; Their *Sinning* against God, is but the *Swelling* of the *Poison,* that is by Thee Transmited into them." As if this were not enough, Mather reminded his readers, "it is possible, That much of your *Actual Sin* may likewise be read by you in their *Ungodliness.*" "Have *you* not formerly Grieved the Hearts of your own Parents?" Mather asked. Who could answer that they had not?—and yet such youthful sins might explain the unregenerate state of one's own children. "Have you not Sinned about these Untowardly *Children?*" Perhaps a lack of proper instruction or inadequate prayer or some other parental failure accounted for the children who stood outside God's grace. Perhaps the children would be damned for all eternity to punish their imperfect parents.[13]

And yet sinning against one's own children was terrifyingly easy. In raising their children, parents were expected to walk an extremely fine line between absolute authority and natural affection. Ministers assumed that parents would love their children. Cotton Mather remarked that it was "The *Joy* of all *Parents,* to see their own *Image* Conveyed unto their *Children.*"[14] In another essay, he referred to children as "little Folks" and asked his readers (and himself), "How often in a week, are we Diverting our selves, with our *Children* in our *Houses?*" He did not object to a little parental "diversion" but only suggested that parents should take that opportunity to mix recreation with instruction.[15] Deodat Lawson assumed that parents would have a "Natural Affection" for their children but worried that in loving their children too fondly, parents would err in "Indulging Of Them or Dallying *With* Them" and would later find that their children "will not only *Dally with,* but *Despise* our Commands, when they are grown up."[16] And therein lay the rub. Increase Mather, writing on behalf of the 1679 Boston Synod, blamed many of the judgments God had visited on New England on children and servants "that are not kept in due subjection." Parents erred too much on the side of affection and were "sinfully indulgent towards them."[17] Cotton Mather asked godly

parents who found themselves burdened with unregenerate children, "Have you not sometimes been too *Fond* of them?"[18]

A parent's authority over his/her children was to be absolute. Cotton Mather went so far as to proclaim that children should perceive "an awful *Image* of *God,* in their [parent's] *Superiority.*" "Don't by your Lightness and Weakness and Folly, suffer them to Trample upon you," he warned, "but keep up so much *Authority,* that your *Word* may be a *Law* unto them." But here, too, it was all too easy to err. "Nevertheless, let not your *Authority* be strained with such *Harshness,* and *Fierceness,* as may discourage your *Children,*" he continued, for "[t]o treat our *Children* like *Slaves,* and with such Rigour, that they shall always *Tremble* and *Abhor* to come into our presence, *This* will be very unlike to our *Heavenly Father.* Our *Authority* should be so Tempered with Kindness, and Meekness, and Loving Tenderness, that our Children may *Fear* us with *Delight,* and see that we *Love* them, with as much *Delight.*" An authority too stringently exercised was counterproductive. It served not to bring children into good order and regeneration, but only to make them stubborn or discouraged. Shortly after asking parents if they had been too fond of their children, Cotton Mather counseled parents to ask themselves, "Have you not sometimes been too *Fierce* to them?" Instruction, reproof, and even physical correction were necessary parts of parenting, but "Cruel *Blows,*" "Raging *Words,*" or even "Austere *Looks*" were to be avoided at all costs. Authority was the cornerstone of parenting, but the "*Authority* of a *Father* unreasonably Strained . . . raises those Blisters on the Minds of the Sons, that the Sons can show nothing but *Ill Humour* after it." Parents were warned to be careful not to overwhelm their children or make them desperate. "When you pour out your *Anger,*" warned Mather, it should never fall "so vehemently, upon them, yet let them see your *Love* Tempering of it; and never Let your *Passion* carry you so far, that they shall think you have no *Compassion* for them." And it was absolutely crucial that a parent never, ever lose control. "Whatever Indignation may be Raised in *You,* by any Prevarication of *Theirs,*" Mather cautioned, "do not fly out into any *Ill Wishes* concerning them." A parent's very thoughts were so powerful that they would "after an unknown manner Commissionate the *Angels of Death* to Execute quick Plagues upon them, which," Mather commented, "you will afterwards be sorry for."[19]

Fathers were to be high priests and judges as well as parents. Too much indulgence or too little love might push a child into sin or even out of the line of election. A child who was otherwise hopeful might prove one of the damned as a punishment for the parent's sin. Is it any wonder that seventeenth-century New England parents seemed to feel a deep responsibility for their children's actions? Parents, as well as other family members, watched over courting men and women in an attempt to keep them from sin. Parents whose children were caught in sexual sin tried to protect those children to the best of their ability. They negotiated hasty marriages and presented their children's cases in the best possible light before the courts. Often they paid their fines or presented petitions on their children's behalf. If a father was to be a magistrate in his own house, is it any wonder that he sometimes stood between his children and the civil authorities? If parenthood was also priesthood, might mothers and fathers not be pardoned for believing that they had the authority to resolve moral offenses? Doubtless, some of the intervention parents exercised on behalf of their children was the result of affection. Perhaps there was even an element of the overindulgence so feared by the professional ministry. But it is also quite possible that many God-fearing parents felt that their efforts on behalf of their children were a valid exercise of their authority and an expiation of their guilt.

The law and the ministry agreed that parents had both the authority and the responsibility to govern their children's matches. As in all areas of parenting, ministers advised mothers and fathers to walk a fine line between sinful indulgence and unreasonable harshness. On the one hand, parents were cautioned, "Take heed also how you dispose of your Children, you that are Parents look at Religion and the fear of God," rather than allowing or encouraging children to marry for more worldly reasons.[20] But, conversely, nothing was more likely to make children stubborn and resentful than the "*Authority* of a *Father* unreasonably Strained" on the subject of marriage partners.[21] This balance was reflected in Massachusetts law as well. In 1647, the General Court of Massachusetts Bay passed a law that noted that "God hath committed the care and power into the hands of Parents for the disposing their Children in Marriage"

and therefore made it a crime for men to "seek to draw away the affections of young Maidens" before the "maiden's" parents "have given way and allowance."[22] The authority of parents to "dispose" of their children in marriage was balanced by a provision in the 1641 Body of Liberties that gave children whose parents had "wilfullie and unreasonable" denied them "timely or convenient marriage" the right to petition the civil authority for redress.[23] Few, if any, children brought complaints to "Authoritie," but some parents and masters did use the courts to separate their children from unwelcome suitors. We have already seen Elizabeth Mousall forbid her neighbor from paying suit to her maid after Mousall discovered him in the house with a midwifery manual, and Thomas Tirrell—the young man in question—convicted of "making love to ye mayd Servant with out orderly leave," which carried a hefty five-pound fine.[24] Attempting to "draw away the affections of Maidens" was not a charge commonly heard before the Massachusetts county courts, but Elizabeth Mousall was not the only person to bring such a complaint. In all, seven cases of this type are known to have been heard before the Middlesex and Suffolk county courts between 1660 and 1700. Printer Samuel Green complained to Middlesex County authorities after his employee, the unhappily married Marmaduke Johnson (of whom more later), began to pay suit to his daughter.[25] The parents of Ruth Hennenway and Elizabeth Sanford had more than one reason to complain about the attentions Edward Peggy paid to their daughters. Not only was Peggy courting more than one woman at a time, but he was evidently using drugs or, more disturbingly, witchcraft to achieve his ends. The Suffolk County Court convicted him of "useing indirect meanes by powders or other wayes unlawfull to Engage the affections or desires of women kinde to him."[26] Ruth Richardson's parents may have found Daniel Eldor to be an objectionable suitor simply because he was a "Schotchman."[27] Records from three other similar cases give no hint of the faults parents found in their daughters' would-be beaux.[28]

It is difficult to know how restrictive parents were when it came to supervising contact between their children and suitors, but the stories told before the county courts suggest that parents tended not to err on the side of unnatural severity. We have already seen Jane and Andrew Stevenson's failed attempt to keep their daughter, Hannah, from consorting

with Samuel Gookin. According to their testimony, they did not approve of the courtship. Although they attempted to supervise the pair, they did not try to separate them for fear of offending Samuel Gookin's family. As we saw in Chapter 3, Sarah and Richard Dexter attempted unsuccessfully to prevent a match between their daughter, Sarah, and Edmund Pinson. Apparently, however, the Dexters did not object to Pinson's suit until he ran off with their daughter and kept her away from home for four days. Certainly, references to forbidden courtships appear periodically even in cases that were about other matters. When William Healy came before the Middlesex County Court charged with spousal abuse in 1666, he claimed that one of his primary accusers, his servant Samuel Reynolds, had concocted the story because Healy had refused to allow Reynolds to marry his daughter. Since the daughter in question appeared before the courts charged with bearing a bastard the following year, and since she named Reynolds as the father of her child, we may assume that Healy's proscription was somewhat less than effective.[29] Certainly, seventeenth-century New Englanders expected parents—particularly fathers—to act as a sort of marital gatekeeper, but most parents appear to have turned the decision back to their children. After Richard Nevars impregnated Anna Gardiner, a neighbor asked Gardiner's father whether he would allow the couple to marry. Gardiner's father was less than enthusiastic about the match. Richard Nevars was a servant in the Gardiner household and had an ill reputation. Goodman Gardiner replied "that he would Rather trust the providenc of god with his daughter." Nevertheless, Gardiner said, "that if his daughter weas willing to have him that he would not henddar them from marying together."[30] Similarly, Thomas Waters claimed that he went to Bethiah Johnson's father when he wished to marry the young woman. Goodman Johnson "yeilded" but only "in case hee [Waters] could Atain his daughters good will."[31]

The preponderance of the evidence suggests that young men and women consorted fairly freely together. Stories told before the courts frequently mention couples meeting at public events such as training days, talking casually in yards and fields, or meeting up in barns and lean-tos. One young man—albeit one faced with a paternity suit—did claim that he had never spent time alone with his sweetheart. William

White asserted that he "never used any familiar carriages" with Mary Harris, and that he kept her company in the homes of several of her family members "but never in the field," where they might have had the opportunity to engage in illicit behavior. Even in the course of a short examination, however, White was forced to admit his claim to have never been alone with Harris was something short of the truth. When Mary Harris pointed out during their examination that Will had "set up with me that night goodman Rand was buried," White was forced to admit—probably because others could confirm Mary's statement—that Mary's claim was true.[32] Sarah Largin's jaunt through the fields with a man raised concern with one of her neighbors, but when he mentioned it to her father, Goodman Largin replied that "hee ga[ve] hur leav."[33] Other family members may have been even more permissive. In 1682 when Mary Barrett accused Moses Parker of being the father of her bastard child, two others in the household told a story of midnight shenanigans. Mary's parents had gone away, leaving their children in the care of two men, Samuel Barrett and John Goale. Twenty-one-year-old Samuel Barrett was probably Mary's first cousin. John Goale (also twenty-one) may have been either a lodger or a servant. Both men testified that Moses Parker had arrived at the Barrett household at about ten o'clock at night and had sat talking with the Barretts until midnight. Neither Samuel Barrett nor John Goale appears to have objected when Mary Barrett and Moses Parker left their company and sat alone in the parlor—although there may have been some cross words when the two men found them still there the next morning. When Mary's pregnancy was discovered, her father promptly sued and won judgment against Moses Parker for deflowering his daughter.[34]

If parents occasionally forbade certain matches or ran off inappropriate suitors, the most common offices of parents and other family members appears to have been observation and counsel. Most unwed or premarital pregnancies probably did not come as a complete surprise. If families were sometimes unable to prevent sexual indiscretions, they were usually knowledgeable enough about their children's activities to be able to identify the party responsible and reconstruct the details of their encounters. If families could not always keep their children out of trouble, they could often mitigate the consequences of their foibles by

testifying in court and arranging hasty marriages. The process could be both difficult and delicate work, as the tales of their efforts will attest.

When Sarah Crouch accused Christopher Grant of impregnating her in the spring of 1668, members of Grant's family were familiar enough with his movements—and with those of Sarah Crouch—to be able to provide him with an alibi. Christopher's sister, Abigail Rose, claimed that Sarah Crouch was too ill to have had any interest in intercourse on one of the days she claimed Christopher had lain with her.[35] Christopher's brother-in-law and two other young men placed him in their company on a similar occasion.[36] It was Christopher's brother, Joseph, however, who took the most active part in monitoring the relationship between Sarah Crouch and his brother. Although Sarah Crouch would not be delivered until January of 1669, rumors about the pair must have been circulating much earlier. Joseph Grant claimed that he came upon Sarah and a friend of hers sitting by the highway in September of 1668 and stumbled into the perfect opportunity to find out how much substance lay behind the speculations. According to Joseph's testimony, as he rode along the highway, Sarah Crouch, mistaking him for his brother, called out to him "Christopher, Christopher." Joseph replied, "what have you to say to Christopher?" Sarah, shooing away her friend, responded, "Christopher I love you above all men." Here Joseph saw his chance and inquired "the ocasion why she wold love him." Sarah replied that he had "give[n] me no Case at all but it is soe that I Love you." "Did I Ever shew you an incivilitie, or make any offers to you?" Joseph asked coyly. "No indeed," Sarah supposedly cried (ironically), "but I am soe oerrcome in my love to you that I am redie to make away my selfe, it is Exeeding joyfull to me when I see you or any of yor familie." When Joseph had satisfied his curiosity about her relationship with Christopher, he looked up to see Sarah's father. Joseph then called to Goodman Crouch, who, upon looking Joseph full in the face, evidently put an end to the charade. It seems unlikely that the scene could have unfolded exactly as Joseph Grant described it. For Sarah to have fallen for such a stunt and to have answered such unlikely questions so directly, Joseph would have had to look and sound remarkably like his brother, and Sarah would have had to be either exceptionally nearsighted or blatantly stupid. Nevertheless, since he placed a third party—who testified to other events in

Christopher's trial—at the scene of encounter, it is unlikely that he constructed the entire incident out of whole cloth.[37]

Sarah's family was not unaware of her relationship with Christopher Grant. According to Sarah's sister, Mary, Christopher and his brother arrived at her family's house on one of the days Sarah claimed she had had intercourse with Christopher. Christopher, at least, appeared to be somewhat the worse for drink. Upon arriving, he inquired whether Mary was engaged to another man, attempted to get his hands under her clothes, and offered her marriage in exchange for intercourse. When Mary refused, he hit her and threatened to pursue her sister instead. When Mary's mother later told her to go and call her sister, Mary found the pair walking together down the highway, presumably returning from an illicit tryst.[38] Ironically, it was another of Sarah's suitors (and the man who many claimed was the most likely father of Sarah's child) who provided the most damning bit of evidence against Christopher Grant.[39] Thomas Jones, apparently a servant in the Crouch household, testified that he stood concealed in the family's barn one evening when Goody Crouch sent Sarah to call him in to dinner. Rather than answering Sarah's call, Thomas watched as Christopher Grant approached his erstwhile girlfriend. As Thomas listened, Christopher asked Sarah if she planned to marry Thomas Jones. When Sarah expressed uncertainty, Christopher replied, "i have more rite to you then any man," and Sarah admitted that that was true. Sexual intercourse was the one act other than a betrothal promise that would have given Christopher a "rite" to Sarah. The pair then confirmed what must have been Thomas's suspicion by lying down under the fence rails and engaging in "uncivil carig."[40] The Middlesex County Court named Christopher Grant as the reputed father of Sarah Crouch's child, but in this instance the accused man may have been as innocent as he claimed.[41] Sarah Crouch and Thomas Jones married shortly after the birth of her (their?) child.[42]

Mary Grant and Daniel Smith courted openly from the spring of 1666 to the fall of 1667 before Mary accused him of fathering her as-yet-unborn child. Members of both families appear to have had little trouble tracking their movements. Daniel's uncle John Knapp testified that he had "often time" accompanied his nephew to Mary Grant's house as the two men made their way home from militia training. John was perhaps some-

thing less than an adequate chaperone, however, as he admitted that he sometimes grew impatient waiting for Daniel and left his nephew at the Grant household still visiting after midnight.[43] John Traine Sr., another of Daniel's kinsmen, admitted in December of 1667 that he had twice seen Daniel Smith at the house of Mary Grant's father.[44] Mary Smith, who was probably Daniel's first cousin, testified that when she spent the night at her "father strattons house" in company with Mary Grant, Grant slipped out late in the evening. When Grant returned, Smith asked her where she had been, and Grant answered that she had "bin in companie with Daniel Smith."[45]

Mary's family was also aware that the pair were seeing one another. Roger Rose, Mary Grant's brother-in-law, testified that he had seen Daniel and Mary together in her father's house "at severall times." Nor were they always chaperoned. Mary and Daniel went off "in roomes by themselves," and they stood at the door to the house in the evening. In something of a comedy of errors, Daniel Smith one evening pursued Mary from her father's house in Watertown to her sister's house in Boston, telling Mary's sister, "I am come [to] look for the lost sheep." But Mary had already started back for Watertown. When Daniel finally overtook her on the road, the pair rode alone together back to her father's house. Mary's brother-in-law told the story to the Middlesex County Court, concluding "I have seen so much of their being in compa[ny] together that I was in dayly expectation of [their] being published together [i.e., publicly engaged] according to the usuall way."[46]

Several deponents described unsupervised encounters between Daniel and Mary, but only Mary's mother appears to have been concerned. She had seen more than any of the other deponents. Goodwife Grant testified that the preceding summer she had twice caught her daughter and Daniel Smith together. One evening, finding that Mary was not in bed when she should have been, Goodwife Grant searched for her until she found Mary and Daniel together in the lean-to of the family's barn. Goody Grant scolded Daniel for keeping "unseasona[ble] company with her daughter" and dragged Mary back into the house, but it was not long before the scene was repeated. Later that summer, Goody Grant once again rose to find Mary missing when the rest of the family was in bed. This time the pair were in a back room of the house, once again at "an unseasonable

hour of the night."[47] Goodwife Grant was probably not surprised to find that Mary was pregnant in the fall of 1667. She had been unable to keep her daughter from having intercourse with Daniel Smith, but since she and other family members had been keeping tabs on Mary and Daniel, they could at least be fairly sure they knew who the father was, and they were in a position to testify to that fact in court. That members of Daniel's family were willing to testify to social—although not necessarily sexual—encounters suggests that, in their heart of hearts, they knew as well.

Daniel Smith's unwillingness to marry Mary Grant probably came as a surprise to both families. Mary's brother-in-law, after all, had been in "dayly expectation" of seeing banns posted on the meetinghouse door. Mary's family, at least, must have expected that a baby on the way would simply have hurried along the marriage they were already expecting. When Daniel, instead of proposing, denied that the baby was his, Mary Grant's family sprang into action. On December 15, 1667, Mary's brother-in-law, Roger Rose, confronted Daniel Smith before a witness and asked him "why he did aske his sister mary Grant wherefore shee did not tell him of it [her pregnancy] before." Smith answered enigmatically but did not deny that the child was his.[48] Later that evening, Roger took two of Daniel's kinsmen, John Traine Jr. and Martin Townsend, and returned to the Smith household. As Rose and the other men entered the house, Daniel's widowed mother, Elizabeth Smith, cried out "they will entrap him." Rose attempted to cajole, rather than to threaten, Smith into a marriage proposal. As Martin Townsend recalled, "Roger Rose caled the widdow aunt and & [*sic*] Daniell Sm[ith] Brother in a merry way & said Daniel tis the best way to owne the truth & cleare yor conscience & yield glory to God." Elizabeth Smith did her best to protect her son, replying for him, "I desiere that hee may speake the truth but," continuing before Daniel could get a word in, "he hath saide & owned the truth already."[49] As Roger Rose later pointed out, however, "he denyed nothing which I did lay to his charge absolutely."[50]

Daniel Smith was outflanked. The same night that Roger Rose confronted Daniel, Mary's father lodged a complaint stating that Daniel Smith had impregnated his daughter. Thanks to Roger Rose, he knew exactly whom he wanted deposed in preparation for Smith's trial. The

magistrate Thomas Danforth issued a summons for Roger Rose and the two men who had accompanied him to the widow Smith's house. The only other man included in the summons was John Knapp, the kinsman who had frequently accompanied Daniel on his visits to Mary Grant.[51] The men appeared the following morning and testified to what Rose had made sure they witnessed. At first, Daniel denied the charge, but he did not hold out long. On March 23, 1667, Daniel admitted that he had lied about having intercourse with and impregnating Mary Grant. When he penned the requisite confession on April 7, he titled it "The humble Confession submission & petition of Daniel Smith & Mary his wife."[52] Had Mary's family not been so vigilant, Mary would almost certainly have been confessing to bearing a bastard child.

Martha Beale's father, William, tried to negotiate a marriage contract, albeit under very different circumstances. We have already met Martha Beale, who claimed that her master's son, John Rowe, raped her in 1686. As we saw earlier, Martha decided quickly that marriage to John was her best option, since "hee had defiled & unfitted her for Another man." Martha appears to have attempted to open marriage negotiations by herself shortly after her encounter with John took place. She began by approaching her master, Elias Rowe, saying, "Sir I have Received an Abuse in youer house the wch I migt ackquaint you withall," but Elias refused to listen. When Martha finally "put on Corrage" and forced her master to listen to her complaint, Elias reacted more positively than she might have anticipated. He questioned his son about the affair, and John admitted that Martha's accusation was true. Initially, the problem appeared to have been solved. When John asked his father what he should do about Martha, Elias answered, "you must Marry her, & soone."

But soon the Rowes began to waffle. John and Elias traveled with Martha to the home of her father, William Beale, in Marblehead. John and Martha confessed the incident. Father and son, recalled William, "Siked [seeked] not to noise the fackt Aforesayed abroade, but to joyne the parties Aforesayed in Marriage."[53] William agreed and apparently considered the matter settled, but perhaps he suspected what would happen next. His depositions indicate that he kept careful record in his almanac of his conversations with the Rowes. These would later come in handy when he told his daughter's story before the Middlesex

County Court. The day following his meeting with Elias and John Rowe, William Beale traveled to Charlestown "expeckting the publication of marriage beetwixt John Rowe & Martha Beale." That all-important piece of paper was absent from the meetinghouse door. John was, indeed, having second thoughts. He loved another better, he told Martha's father, and if he had it to do over again, he would never repeat his attack on Martha. When William reminded him that he had gotten himself into this mess, John "wrote their publishmente & nayled it uppon Charlstowne meetingehouse." But the saga was not yet complete. Evidently the banns came back down. The next day Elias Rowe approached Martha's father and pointed out that since Martha was not pregnant, the marriage could safely be postponed. After all, John had been planning to go to sea. If, instead, he married Martha hastily, "it will Raise A suspicion in peoplles breasts & peoplle Will Taulke much of them," Elias pointed out. The next day Elias promised to leave his entire estate to his son only if he married Martha and to entail his estate on their children. Reluctantly, William and Martha agreed to the delay.[54]

But the delay was a harbinger of things to come. Two days later, early on the morning of September 16, Martha Beale appeared once again in her father's house. Martha told her father that the Rowes had retracted the promise of eventual marriage and that she was "undon." William decided that the time had come to involve outside parties, and that may have been the point at which negotiations broke down irrevocably. William and Martha paid a call on the governor, Simon Bradstreet, who was also Martha's "cousin" on her mother's side of the family.[55] William "ackquainted him with the matter" and received his permission to delay prosecution until he could once more speak with Elias and John Rowe. This time William decided to involve an arbitrator, Samuel Hunting, who would, presumably, serve as a witness to the promises William Beale would once again extract. This time John and Elias would be unable to wiggle their way out of the planned nuptials. Unfortunately for the Beales, John and Elias Rowe refused to conform to the script. Martha repeated her accusation of rape, but this time, instead of admitting to the attack, John accused Martha of instigating the relationship, claimed that his initial promise of marriage had been contingent on her pregnancy, and refused to marry her. John and Elias appear to have been angered by what

they perceived as undue pressure and publicity. John accused Martha of making "A blustor aboute towne & Country" and threatened, "see what youle get by it." Elias Rowe appears to have been particularly angered by the Beales' trip to Simon Bradstreet. As negotiations broke down, "E[l] ias Row came into the same roome & bid us all get out of the house & sayine you must not thinke to com after Elias Row with a faggot stick."[56] The Rowes, only marginally cooperative before, went on the offensive.

Within a few days, four women allied with the Rowe family questioned Martha Beale in an attempt to undermine her case. John Rowe's aunt, Hannah Perkins, confronted Martha and asked her "why she had dealt so by [John] Row as to make that complaint to the governor against h[im]." Although William Beale's testimony tells us that Martha was present at the meeting with the governor, Martha claimed that "Neither her father nor her self did know of any complaint made against" John Rowe. She added that the governor was her cousin, and if John would just marry her all would be forgiven.[57] Likewise, Hannah Kellen and Elizabeth Robinson came to question Martha.[58] Both women claimed that Martha made three important statements. First, she said that she had never committed fornication. Second, she knew of no complaint to the governor. Third, she had never "seen any uncivility" by John Rowe.[59] Martha herself remembered her interactions with John Rowe's family a little differently. She did not testify about her interactions with Goody Kellen or Goody Robinson, but she did recall conversations with Hannah Perkins and a fourth woman, "Mistris Baker," whom she identified alternately as John's aunt and his cousin.[60] Baker appears to have heard about the rape from John before she spoke with Martha, and Martha simply told her that "her cozen had Revished mee & forced mee against my will." Hannah Perkins asked Martha "what folly" she and John Rowe had committed together. Martha corrected Perkins's interpretation of her encounter with Rowe by telling her that John had raped her.[61] If either Baker or Perkins testified about this encounter, the record of it is lost.

Hannah Kellen's and Elizabeth Robinson's testimony is problematic in light of the rest of the depositions related to Beale and Rowe. John Rowe had evidently admitted to several people that he had had intercourse with Martha Beale. Why would Kellen and Robinson revisit the

subject? Even more troubling, assuming that Kellen and Robinson were telling the truth, why would Martha deny the encounter? Second, and again assuming that Kellen and Robinson were not actually lying, why would Martha deny that she and her father had complained to the governor? The answer to the first question is suggested in Martha's testimony about her conversation with Hannah Perkins. Martha probably did not deny that she had had sex with John Rowe. As she pointed out to Perkins, not all intercourse was fornication or "folly." Martha had never committed fornication; she had been raped. When Kellen and Robinson testified, it is very likely that they did so selectively. By leaving out the small detail that Martha claimed that John had raped her, they could give the court the impression that Martha had admitted that she had fabricated the entire incident.

The clue to Martha's denial that she and her father had complained to the governor may also be located in one of Martha's conversations with Hannah Perkins. When Martha denied that she and her father had entered a complaint with the governor, she also pointed out that the governor was her cousin. William Beale certainly interpreted his conversation with Governor Simon Bradstreet as a complaint to an official figure of authority. As he described it, he went with Martha to the "honnoured Governor," briefly told him the point of conflict, and "with his Consente the prosecation of the matter was Respited" until William could make one more attempt to resolve the matter informally. William was ready to begin legal "prosecation."[62] Martha appears to have thought they were visiting cousin Bradstreet rather than the "honnoured Governor." Her point that the governor was also her cousin and that the matter could be "forgiven" (as opposed to the lawsuit dropped) suggests that she saw the trip to Simon Bradstreet as a visit to an influential relative who might aid in the Beales' negotiations with John and Elias Rowe.[63] It is entirely possible that Kellen and Robinson understood the distinction that Martha was making. Again, however, testifying to only part of the conversation they had with Martha could cast doubt on her veracity before the court.

In the end Martha and William Beale were unsuccessful in their attempt to negotiate a marriage. William did bring John Rowe to court and had him accused of "forcing her agst her will" and of refusing to marry her after publishing banns. Since the case was tried in county

court rather than before the Court of Assistants, which had jurisdiction over capital cases, there does not seem to have been any intention of actually trying John for rape, although the justices noted that they found a "strong presumption that this her accusation is true." The court did order John to marry Martha within two weeks on pain of a fine of one hundred pounds to be paid to Martha's father. John declared in open court his resolution never to marry Martha Beale, and he and his father entered into bond to appeal his case to the Court of Assistants.[64] If they did indeed appeal the case, however, no record of that appeal has survived. The following year, John married Ruth Knil. William Beale's trip to the governor and the careful record he kept of his negotiations with Elias Rowe helped persuade the court to side with him and his daughter, but no one could force a man to marry against his will.

William Beale failed in his attempt to negotiate a marriage between his daughter and the man who had violated her. There are some indications, however, that many families, like the Grants in the previous story, were a good deal more successful. Women who became pregnant after engaging in intercourse outside marriage were open to one of two charges: fornication or premarital fornication. Although the charge (and the severity of the punishment) differed, the two crimes were identical at the point at which they were committed. The ultimate charge was dependent on whether a marriage was or was not forthcoming. We cannot know how often families were able to prevent relatives from engaging in nonmarital intercourse. Only their failures appear in county court records. Their successes remained happily hidden from public view. We can, however, derive a reasonably good picture of how successful women's families were at persuading couples to marry after intercourse had occurred and before charges of fornication could be brought.

In the extant minute books of Middlesex and Suffolk counties, 233 women whose names or statuses were recorded were involved in fornication or premarital fornication cases.[65] Of these cases, 156 were trials for fornication, and 77 involved premarital fornication complaints. The greatest difficulty in using these cases to evaluate the effectiveness of familial oversight is ascertaining which women lived with their families (and so had access to a close network of kin) and which lived in the homes of other families as servants. In some instances, case papers clar-

ify living situations. Frequently, minute book entries identify women as servants or, conversely, as the "daughter of" a particular man or a widowed mother. Most often, however, no case papers survive, and the minute book entries record nothing but the names of the defendants. In these cases it is necessary to use less direct means of getting at the information. I have assumed that in most cases, the death of a woman's father was likely to lead to the breakup of a household and that women whose fathers were dead were more likely than women whose fathers were living to be employed as servants. Quantitative data derived from the 233 fornication and premarital fornication cases backs up this assumption. In 108 cases, the date of death of the women's fathers is known. Of these, 87 fathers were living when their daughters' cases came to trial. Twenty-one women who were tried for fornication or premarital fornication had fathers who had already died. Of the 87 women whose fathers were living, 12.6 percent of them are known or strongly suspected to have been servants. Of the 21 women whose fathers were dead, 28.6 percent of them are known or strongly suspected to have been servants (see Table 1). Doubtless, some of the women with living fathers were servants, and some whose fathers were dead lived at home with widowed mothers. In other cases, servants may have lived near their birth families and had access to their assistance. In the main, however, the numbers are highly suggestive.[66]

If we assume, in the absence of other indications, that most women whose fathers were dead were servants and most women whose fathers were living were not, it is possible to evaluate what role access to a network of kin had in determining whether women who engaged in nonmarital intercourse would come before the county courts charged with fornication or premarital fornication. In cases of fornication, more than

Table 1 Servitude and paternal mortality among women involved in fornication and premarital fornication cases, Middlesex and Suffolk counties

	Father living (n = 87)	Father dead (n = 21)
Known servant	6	3
Probable servant	5	3
% servants	12.6%	28.6%

40 percent of the women involved were known or suspected servants or were the daughters of deceased fathers. Conversely, this was true in less than 10 percent of premarital fornication cases (see Table 2). In over half of premarital fornication cases, the father of the woman charged is known to have been living. In general, families of pregnant women appear to have been quite skilled at getting their daughter's partners to propose.

Sexual and marital problems did not end, of course, with fornication trials, paternity suits, or even marriage itself. Neither did familial surveillance and intervention. Hastily arranged marriages might not hide a couple's sexual activity if the bride was pregnant when the couple married. Since women who had borne children were, along with midwives, the primary experts on prematurity, and since female family members were expected to assist at births, mothers, aunts, siblings, and cousins were in an ideal position to influence courts who suspected premarital conception. In some cases, these women may have truly believed that they were viewing premature children. In others, they almost certainly colluded with the new parents to pass off a full-term child as premature. Of course, pregnancies that were not followed by marriage created a host of other problems. Even after being convicted of fornication or named a reputed father, offenders could expect families to continue to intercede

Table 2 Paternal mortality and servitude in cases of fornication and premarital fornication, Middlesex and Suffolk counties

	Fornication (n = 156)	Premarital fornication (n = 77)
Father dead	21	5
Father living, known servant	6	0
Father living, probable servant	5	0
Father living, servant/slave	0	0
Father living, slave	0	0
Father's status unknown, known servant	9	1
Father's status unknown, probable servant	7	0
Father's status unknown, servant/slave	15	1
Father's status unknown, slave	1	0
% servants	41.0% (n = 64)	9.1% (n = 7)

with the courts on their behalf, and unwed mothers could usually count on relatives to shoulder part of the burden created by a bastard child.

A baby born too soon after marriage usually drew the attention of the county courts. The common defense against a premarital fornication charge was that the child was premature. Doubtless, some of the children described in these cases really were born before their time. The defense was common enough, however, that it is hard to believe that families never exaggerated evidence of prematurity when they knew or suspected that conception had occurred before marriage. When Abigail Hammond Hastings was brought to bed only twenty-six weeks after marrying John Hastings, John's mother, Margaret Hastings, both attended the birth and testified on the couple's behalf.[67] According to Margaret Hastings, Abigail begged her not to be "trubled" by her early delivery, for, she said, "I cam a true maide to the marig bed." According to Margaret Hastings, the appearance of Abigail's baby confirmed her daughter-in-law's claim. The baby was "such a litle por child as I never saw the like," Margaret told the court. The baby vomited both blood and breast milk, and only began to thrive after the time came when "it should have ben borne."[68] Several other women saw the child, and they, too, testified that it was certainly the result of a premature birth.[69] In all likelihood, the county court gave credence to the united testimony of so many women, but no determination in this case has survived.

On the other hand, the county court in Norfolk greeted the Garlands' defense of prematurity with a great deal of skepticism. Elizabeth Garland gave birth to her daughter less than seven months after marrying her husband, John. The two women who attended the birth both testified to the prematurity of the child. John's mother, Elizabeth Roby, and Elizabeth's mother, Elizabeth Robinson, testified that the baby "was a very pore childe as ever wee saw." It was too weak to suck and had to be hand fed. Its mouth was so small that the women were "forst to feed it wth a feather" rather than using the more traditional, but in this case much too large, spoon. The child had neither fingernails nor toenails, the women testified, and it "had very little skin upon it when it was born."[70] Another woman, who saw the child about two weeks after it was born, confirmed the mothers' testimony.[71] The Norfolk County Court, nevertheless, convicted John

and Elizabeth Garland of committing fornication before marriage. When the Garlands appealed their case to the Court of Assistants, Norfolk County made clear why it found the Garlands' behavior so suspicious despite the apparent evidence of prematurity. Henry Dow, who represented Norfolk County before the supreme court, appears to have been convinced that the Garlands' defense was a plot on the part of the couple's parents to keep their children out of trouble. Dow claimed that John Garland's stepfather, Henry Roby, actually wrote Garland's reasons of appeal (a not unreasonable guess, since Roby was a local justice of the peace), and Dow complained that John Garland had not even entered his own plea. Garland stood mute before the county court until Roby nudged him and told him how to plead. But, perhaps most suspiciously of all, John and Elizabeth's mothers were the only women, other than the midwife, to witness the birth. Why did no one call in the neighboring women, unless someone was trying to cover the Garlands' sin? If the couple were really innocent, surely they would have offered the testimony of "there neibours of their owne towne" rather than restricting the birth to their "own relations."[72] Unlike the Norfolk County Court, the Court of Assistants appears not to have found this logic persuasive, and the Garlands won their case on appeal.[73]

Hannah Lovett's plea of a premature birth may well have been a family cover-up. Lovett's mother and mother-in-law both testified that when Hannah's child was born, it lacked full nails and did not "thrive" for several weeks after its birth. Furthermore, the two women claimed, the child had bruises covering much of its body.[74] Hannah's sister-in-law as well as her mother-in-law told the court that the cause of the baby's premature birth, as well as the child's bruises, was a series of falls Hannah had suffered the day before her delivery. In addition, Hannah had longed for cherries, and that unfulfilled craving had also harmed her child.[75] Hannah's midwife was a bit more cautious. She was willing to testify that Hannah told her that she had fallen, and that she had questioned Hannah about any unsatisfied longings, "because I have known sum that have gone before the full time of that means." She claimed, however, that she had failed to examine Hannah's child closely. She was so tired at the time, she said, that she failed to notice whether or not the child was unusual.[76] Perhaps. But it seems exceedingly strange that a midwife,

who must have known that she would be called to testify in a trial for premarital fornication, would have failed to notice extensive bruising or checked the child's hands and feet. More likely, she considered good relations with the Lovett family to be more important than the child's date of conception. Three of Hannah's neighbors absolutely contradicted the testimony of her family. These women pointed out that the only witnesses to the birth were her "Mother Tiller and Lovett and the women of old goodman Lovetts house." The women claimed that the child cried "hartely" as soon as it was born and was a full-size, "lusty" child, and "not like to be borne before the due naturall time."[77] Because there are no surviving minute books for 1670, we do not know whose testimony the county court found most convincing.

In many cases, parents not only testified in court on their children's behalf but also accepted responsibility for satisfying the court's judgments against them. After Bethiah Johnson was convicted of fornication in 1680, her father requested that two pounds of her five-pound fine be abated "by Reson of my poverty."[78] Elizabeth Burridge's father, John, also informed the court that he was "wieke in Estate" and that the same could be said for his relations from whom he might have been expected to borrow the money for his daughter's fine. John went on to describe another matter that plagued his family and, presumably, had an impact on his financial state. Two of his other children had been "long time sadly by gods hand Afflicted in thire Eyes," and John feared they were going blind. The affliction appeared to be spreading to his wife as well. In light of his other troubles, John begged the court to "remitt or at least to mittegate the said fine As you may thinke good."[79] In 1682 William Perry found himself unable to pay his daughter's fine "by reason my Estate was very low." Perry also cited his "old age" and that of his wife, the infirmities of which were exacerbated by the "sorrow that did and doth attend us still on the account of so sad a providence falleing oute in oure famalie." Perry pointed to a weak link in his—as well as John Johnson's and probably John Burridge's—plea for financial relief.[80] In most cases, women convicted of fornication and bearing a bastard child were offered a choice of sentences. They might either pay a fine or receive corporal punishment. Generally, those not offered a choice were condemned to whipping. Perry admitted, "I chose to pay the fine rather

then my daughter should Receive corprall punishment." He did so, he claimed, "not to free her from the shame or smart that it would have brought upon her," but because he was afraid the punishment would kill her. Other parents who chose to petition seemed to have hoped that the courts would overlook the fact that they had volunteered to undertake an obligation that they then claimed they could not meet.

In some cases, family members requested that the court accept a fine in lieu of corporal punishment, despite the fact that a sympathetic hearing would bring on new financial obligations. When Christopher Grant and his wife importuned the courts in 1669 to accept a fine instead of imposing corporal punishment, they had a definite goal in mind. Their son, Christopher, had been sentenced to whipping and confined to jail after having been convicted of impregnating Sarah Crouch and before a bond could be secured to appeal his case. Christopher, evidently impatient, had broken out of jail and absconded. His parents hoped that if he were not faced with corporal punishment, he might return voluntarily and so "regaine his lost reputation by his Good life and Conversation."[81] The Grant family spent quite a bit of time in the presence of the Middlesex County Court. Eleven years later, Christopher's brother, Joseph, found himself the reputed father of Sarah Fiske's child. Because Joseph had broken into Fiske's house before impregnating her, he was sentenced to corporal punishment. Two of his brothers joined him in a petition to commute the sentence to a fine "in respect of our aged parents that it may not bring there gray heades in sorrow to the grave."[82] The mothers of Joseph Moore and Lydia Maynard petitioned that their children might be freed from corporal punishment. Like William Perry, they cited "the inabillitie of the persons that are to suffer" as an excuse and hoped that the courts would be merciful since the pair had married.[83] Unfortunately, the courts' responses to these petitions have not survived. Because fathers appear to have paid their children's fines, petitions to reduce those fines were in a parent's best interests. Asking the courts to accept fines in lieu of corporal punishment, however, was a sacrifice.

What evidence we have suggests that families of unwed mothers also shouldered some of the responsibility for caring for bastard children. The evidence suggests that maternal grandfathers (and, doubtlessly, grand-

mothers as well) made child-care decisions in conjunction with their daughters, that reputed fathers tended not to play a significant role in the lives of their children, and that the fate of bastards cast on the mercy of their fathers was less than rosy. One of the few descriptions we have about the negotiations involved in child-care decisions occurs in the case of Anna Gardiner. We have met Anna before. The daughter of Richard Gardiner of Woburn, Anna accused her father's servant, Richard Nevars, of attacking her while she was sleeping and forcing her to have intercourse with him. Because Anna became pregnant, the incident could not be prosecuted as rape. Richard Gardiner left us with a description of his attempts to procure money from his daughter's assailant so that she could have what he considered to be adequate care without her family having to assume any unnecessary financial burden. Richard Gardiner told the courts that, before his daughter's delivery, he requested Josiah Convars, a local deacon, to accompany him as a witness when he went to speak with Richard Nevars. According to Gardiner, he told Nevars that he was willing to take care of his daughter, if Nevars would pay for taking care of the child. Nevars replied that "he should doe nothing untill the Court."[84] Matthew Johnson, who would later become Nevars's attorney, remembered the encounter a little differently.[85] According to Johnson, Richard Gardiner sought out his former servant specifically to obtain the money to hire a wet nurse for the child who would soon be born. Nevars replied that his former master had in his possession six pounds of his money and should use that. Beyond that, Nevars promised "what ever the cort should order him to doe he would paye." Nevars, however, objected to the use of a wet nurse, saying, "As for A nurs I think the mother is the fitest nurs that can Be provided."[86] Whether Nevars refused to give any assistance without a court order, as Richard Gardiner testified, or, whether he suggested that Gardiner use the money Nevars had left in his hands and then promised to do whatever else the court ordered, we will never know. We do, however, know how the disagreement over the wet nurse turned out. Gardiner told the court that when his grandchild was born he took "great paines to obtaine A nurse for ye child another for the mother my daughter." Gardiner believed, probably with the advice of his wife and the midwife, that Anna "being in so lowe A condition" did not have the ability to help herself, "nor had shee any millk for the child." According to

Gardiner, Richard Nevars was so unnatural a father that he refused even to pay funeral expenses. Gardiner related that after his grandchild died, he once again approached Richard Nevars about financial arrangements. "I sent to the said Nevard againe," Richard Gardiner wrote, "that he would take care for A grave & for something for refreshing to those who attended the corps but he refused to take any care thereof." Indeed, Richard Nevars was so "unnaturall" that he refused even to attend the child's funeral. Gardiner made sense of his former servant's stinginess in his own way. "When I consider his fillthy tongue & his villanous & fillthy carriage," Gardiner reflected, "I wonder not he is without any good affection who hath manifes[te]d lustfull affections toward so many."[87] Richard Gardiner won in the end, however. The list of costs he presented to the county court included a one pound charge "for nursing the child providing of neceseries for it during its life and burial of it."[88] Richard Nevars was required to pay the cost.[89]

Other cases suggest that Richard Nevars's behavior was not unusual. Like Nevars, other reputed fathers seem to have shown little interest in their children, other than the desire to see them cared for as cheaply as possible. Before Samuel Sprague was declared the reputed father of Elizabeth Mellins's child in 1698, he, with the aid of his brothers, attempted to come to an informal agreement concerning child maintenance costs.[90] Perhaps Sprague simply wanted to avoid legal prosecution; very probably he would have liked to avoid posting bond for the child's care and thought he could get a better deal negotiating alone with Elizabeth. After informal negotiations fell through, the Middlesex County Court sentenced Sprague to pay three shillings per week as child maintenance.[91] The most common judgment was two and a half shillings per week. Sprague's burden was perhaps a little heavier than most, but certainly not out of the realm of the ordinary. A year after being named the reputed father of Mellins's child, Samuel Sprague petitioned to remove the child from its mother's care in order to save himself a shilling per week. In September, Sprague referred to his child maintenance payments as "a great inconvenience" and requested permission to take the child from its mother and "put it out where it may be carefully looked to & prov[ided] for." Sprague claimed that he "greatly desire[d]" this, not because he believed Elizabeth Mellins was incapable of caring for the

child, but because "that Meth[od] will be considerably less Charge to him." Samuel Sprague failed to appear in court when the justices were ready to hear his plea. Elizabeth Mellins, however, did show up, and she refused to allow the child to be taken from her, "it proveing Sickly and weakly." The court ordered that Mellins should be allowed to keep her child and that Samuel Sprague should continue to pay.[92] Sprague, undaunted, submitted another petition three months later. Once again, he had found a cheaper way. He requested that he either be allowed to put the child with people who would take it at an "easier Rate" or that "the Mother of Said Child may by yor Honors be ordered to keep it as Cheap as may be procured else where."[93] The court's answer does not survive.

The fate of Mary Stanwood's baby illustrates what might happen when a child was committed to the care of its reputed father. Mary Stanwood died giving birth to a bastard child in 1674. Hours before her death, John Pierce, Mary's stepfather, asked her what should be done with her child. She replied, "Zacharyah Crisp should have it for it was his and none but his and hee should keep it."[94] Zachariah Crispe sent the child, named Mary after her mother, to be raised by an older married couple, and because the couple sued Crispe in 1674 for failing to pay them, we know where the child went.[95] John and Dorothy Jones owned a coffeehouse in Boston that Zachariah Crispe frequented.[96] Crispe was accused of murdering a man in the coffeehouse in 1675, and the depositions produced during the case allow us a glimpse into the home where little Mary Stanwood was—briefly—raised.

The depositions show us a place where gambling, drinking, and fighting were the ordinary fare. Dorothy Jones, who ran the coffeehouse after her husband's death in 1674 or 1675, admitted that "Shee doth not know but that ffolkes might report that her house was as bad as Goodwife Thomas's."[97] Alice Thomas, another tavern owner, had been convicted only three years before of a variety of crimes including receiving stolen goods, selling alcohol illegally on Sundays, and of "giving frequent secret and unseasonable Entertainmt in her house to Lewd Lascivious & notorious persons of both Sexes." The court concluded, "she is a common Baud."[98] Dorothy Jones's servant, Hannah Hincksman, had lived in the coffeehouse for only three months, but she told the court "that

shee did wish Shee had never seen mrs Jones her house." Because of the "bad reports" that circulated about the place, Hannah claimed that she "hath lost the love of her ffreinds" by her association with it. She called her mistress "a very base woman" and claimed that she concealed iniquity.[99] It hardly seems like the type of establishment in which a caring father would choose to lodge his daughter.

Perhaps more troubling than the moral character of the Boston coffeehouse was the age of its mistress. Although dry nursing, as bottle feeding was called, was not unknown in colonial America or contemporary England, the practice carried an extremely high mortality rate.[100] Breast milk was usually crucial to the survival of infants in the early modern period, and although there is no mention of Dorothy Jones's age in her testimony, there is every indication that she was past childbearing years. Her husband died shortly after young Mary Stanwood came to live in the house.[101] Furthermore, in her deposition Dorothy mentioned that she had long been troubled by convulsive fits in which she bled. She claimed that "for this Eighteen yeer's Shee hath not washed without bloody linnen."[102] Dorothy's nearly two-decade-long illness in conjunction with her husband's death suggests that she was fairly old. There are no references to children in any of the depositions. The chances, therefore, that Dorothy Jones was lactating when she took in little Mary Stanwood are extremely poor. Mary Stanwood lived less than a month. She was born on February 9, 1674, and died the following month on March 3.[103]

Troubled marriages also fell under the purview of concerned kin. We have already met Mary White's mother, who petitioned for a divorce on behalf of her daughter after Mary's husband proved impotent. Family members were often the ones who had enough motivation to seek out absconded spouses, intervene in abusive marriages, or attempt to prevent bigamous ones. Court documents tell of relatives who traveled across the sea and returned home with tales of willful desertion, adultery, and bigamy. Such tales cleared the way for abandoned spouses to sue for divorce or take other remedial action. Cases involving events relatively early in most people's life cycles—such as fornication, paternity

suits, or premarital conceptions—were usually local affairs. After all, only those close at hand were usually able to testify about clandestine meetings or the appearance of supposedly premature infants. Colonial adults were often more mobile than we might expect them to be, however, and while monitoring the behavior of adults was sometimes a local matter, it could also be a transatlantic affair.

Samuel Holton's troubles were local ones. His wife, Mary, frequently proclaimed that she would never bear his children and that she would see him either literally emasculated or killed. Samuel's family was, understandably, concerned. Samuel himself admitted before the Middlesex County Court that his wife "would not have a Child by mee for One thousand Pounds," or so Mary had repeatedly told him.[104] Samuel's sister, Mary Strong, and her husband told the court that Mary Holton had confessed to them that she did not love her husband and had married him only for money. When they advised her to love her husband and "Carry it wel to him," she replied that "she would not try to please him she scorned to stoope to such a One as he was."[105] Another of Samuel's kinswomen added an even racier twist to the story. Abigail Webster also testified that Mary was unwilling to bear her husband's children, or, as she put it, Mary "did not desire to have any of his Breed." According to Abigail, Mary had told her that she had visited a fortune teller who predicted that she would have three husbands. The first was a "Loveing One," the second, "a Churl" by whom she would have two children. Samuel was Mary's second husband, and she had already made clear her desire to avoid becoming pregnant with his children. Evidently, Mary was ready to move on to husband number three, for she told Abigail "that she had a good minde to take a knife & Cutt his Throat." Abigail, predictably, told her "that was a verry wicked thing." Mary replied that if Abigail were in her place, she would have done it long ago, and that "she was resolved to geld him that was her husband."[106] After Abigail's story, that told by Peter and Mary Plimpton was almost anticlimactic. They simply related a conversation in which Mary told them that several men who were fighting in King Philip's War told her that if Samuel went with them, they would shoot him instead of the Indians. Presumably Mary was cheering them on rather than issuing a warning.[107] Although most marital disputes, then as now, doubtless had two

sides, no one appeared to testify on Mary's behalf. Mary's mother was nonetheless supportive. Perhaps the two families had tried to orchestrate a reconciliation. At the very least they had discussed the Holtons' marital troubles. Samuel Holton's cousin Dorcas Lyman testified that Mary's widowed mother was willing to take her in if Samuel "would have noe more to doe with her."[108] She may have had to do just that, since the Court of Assistants granted Samuel Holton's request for a divorce in 1681.[109]

Marmaduke Johnson's problems were more geographically wide-reaching and attest to the importance of family networks that spanned the Atlantic Ocean. Johnson, colonial printer and philanderer, relied on his brother to keep a watchful eye on the wife he had left in England. Johnson had been hired by the Massachusetts Bay Corporation to assist Samuel Green in printing John Eliot's Indian Bible.[110] After arriving in Massachusetts, Johnson began to pay unwarranted attentions to Elizabeth, the daughter of master printer Samuel Green. After Green forbade Johnson from courting his daughter, Johnson evidently proposed marriage, obtained her "affeccons," and made death threats against any other man who might have the temerity to propose to the young woman. Green began by appealing to Marmaduke's brother, who was still living in England. The brother did send letters to Marmaduke in which he pleaded with him to become a "new man" and leave Green's daughter alone, but Marmaduke Johnson failed to change his ways.[111] Then in 1662 Green had Johnson hauled into court and charged with, among other things, courting his daughter without orderly leave.[112] The central problem with Johnson's courtship, of course, was that he was a married man. Johnson was convicted on all charges and ordered to return home to his wife. When the county court, six months later, reiterated its demand that Johnson leave the colony, Johnson entered a letter from his English brother into evidence. The letter both documented the death of his estranged wife and chronicled his brother Thomas's rather madcap attempts to record her sexual infidelities in an attempt to obtain a divorce for Johnson.[113]

Thomas Johnson's communication began rather inauspiciously. "Loving Brother," he wrote, "I find by your many Letters that you must blame me in my remissness of not writing unto you which I must confess

in some part I am guilty of; but I was so much troubled about that lewd woman once your wife that I did vow not to write till I heard better news of you." Thomas then began to document his findings regarding that "lewd woman." Thomas had spoken to Goody Johnson's landlady and discovered that she had been infected by a "foul disease" that forced her to retire for a time to St. Thomas's Hospital for a cure. The obliging landlady also informed Thomas Johnson that his sister-in-law was still seeing the man who had presumably infected her. The man, a barber-surgeon graced with a wife of his own and children, had "had her in care"—probably a reference to financial support—before she entered the hospital and later "kept her company Continually." Another suitor, a silk stocking weaver, would have married her if only she were free of Marmaduke. But Thomas Johnson's most shocking news was yet to come. A friend reported to Thomas that he had seen Marmaduke's wife at Lady-Fair at a "common bawdy house" where she presented herself as a seaman's wife until contradicted by Thomas's tattling friend. Three of Thomas's other friends were actually propositioned by Goodwife Johnson in a different location at another time. When passing by "the Jack-a-newberry," which Thomas described as "one of the noxious houses in or about London," they were invited inside by Marmaduke's wife. The men went in, Thomas wrote to Marmaduke (hastening to add "upon your account"), to observe her behavior and reprehend her for her "uncivil carriages." Goodwife Johnson, unimpressed, replied "that devil take you" and declared she would never again have anything to do with her husband. Goodwife Johnson's behavior was so bad, Thomas believed, that Marmaduke would have obtained the coveted divorce if only he had remained in England. His absence was the only thing standing in his way, "for such a thing could not be done by Proxy." The Johnsons, like many other Englishmen, probably misunderstood the terms of divorce *a mensa et thoro* and believed that such a divorce would allow Marmaduke to remarry. Thomas Johnson saved his most cheering news for the close of his letter. Marmaduke's wife had become too friendly with the wife of one of the men who was helping to document the woman's indiscretions. The man, by means of an undisclosed subterfuge, sent her to Barbados and, concluded Thomas blithely, "s[he] died by the way." Thomas's letter did not prevent Marmaduke from being

convicted of and fined for attempting marriage with Elizabeth Green and threatening violence to any who pursued her, and it did not arrive in time to prevent the court from ordering Johnson to return home to his wife. However, when, six months later, the Middlesex County Court took notice of Johnson, who had remained in Massachusetts, he was able to produce the letter. Thomas's tale of vice and whoredom may not have exonerated Marmaduke for his crimes past, but at least it demonstrated that he no longer had an English wife to whom he might return.[114]

Nor was Marmaduke Johnson the only person to invoke a family network across the Atlantic in an attempt to discipline an erring spouse. When Englishwoman Elizabeth Carey discovered that her husband was consorting with and had finally married another woman in Massachusetts, she knew just whom to contact, and it was not the Massachusetts authorities. Elizabeth's husband, Matthew Carey, had been a ship's purser who had used his wife as a business partner, sending letters that alternated between practical matters and husbandly affection, until he married Mary Sylvester—"wickedly and feloniously" as well as bigamously—in 1693.[115] As late as September of 1692, all appears to have been well in the Careys' marriage. Matthew Carey was aboard the frigate *Nonesuch* at sea near Piscataway, Maine. He wrote to his wife, thanking her for a chest full of clothing, directing her in the disposition of money and trade goods, and passing along gossip about the witchcraft crisis that was then sweeping through Essex County.[116] Less than a year later, in August of 1693, Matthew Carey married Mary Sylvester. Matthew's first wife appears to have gotten wind of the new marriage fairly quickly. Three months after the wedding, she penned an angry letter to Mary Sylvester's brother, Giles. "I am yet alive," Elizabeth wrote to Giles. Elizabeth Carey placed the blame for the perfidious deed squarely on the shoulders of Giles's sister. Elizabeth seems to have assumed that Mary was well aware that her new husband already had a wife. "Youer sesteer . . . hath willfully and knowingly done me this evell," she wrote to Giles. Elizabeth could do no less in return than to alert Giles to his sister's sin and demand his help in resolving the matter.[117] Elizabeth evidently did not receive a reply to her letter as quickly as she would have liked, for two months later, in January of 1694, she wrote once more to Giles Sylvester. "You have given away my husband to a hore," charged Elizabeth.

Elizabeth accused Giles of being the "emba[s]eter" who "joyened thare hands" and claimed that Giles had been "fore warn[ed] he had a wife" and "ought to have ben better advised before you had don it." Elizabeth assumed that, as Mary's brother, Giles would have overseen his sister's courtship, and, by January 1694, she held him almost as responsible as his sister for her husband's remarriage.[118]

Elizabeth chose well when she contacted Giles Sylvester. Giles acted decisively, albeit slowly. Presumably, he wanted to be absolutely certain Elizabeth Carey was who she said she was before he dragged his family through what was certain to be a scandalous trial. By July 1696 Giles had collected three sworn affidavits, complete with witnesses, attesting to the fact that Matthew Carey had been married to Elizabeth House Carey and that Elizabeth was still living.[119] Still, it was another two years before Giles entered a formal complaint against Matthew Carey. Very likely, he began by attempting to use the evidence of Matthew's first marriage to resolve the matter quietly and informally. When that effort failed, Giles entered a complaint against Matthew Carey with the Superior Court of Judicature in 1698, charging that Carey had "presumed to marry to one Mary Sylvester sis[ter] to yor complainant" despite the fact he already had a wife "well knowne to be living." Giles carefully requested that a warrant be issued for Matthew's arrest, although he made no mention of his sister's part in the affair. Elizabeth Carey had charged that Mary knew that her marriage was bigamous. Giles preferred to allow the justices to assume that his sister had been an innocent victim. In a later petition before the Superior Court, Giles claimed that Matthew Carey cohabitated with his sister "in an adulterous maner" that was "contrary to the lawes of God & man" and "to the scandall of the Christian religion." Perhaps most important, however, it was also a "great greif & shame of the petionr and all his family."[120]

Unfortunately for Elizabeth Carey and the Sylvester family, that "greif & shame" was to continue until the deaths of Mary and Matthew Carey. In July of 1698 a jury found Matthew Carey not guilty of bigamy. Incensed, Giles Sylvester petitioned the court, begging that the couple be separated at least until they could prove that Matthew's first wife was dead. Rather than requiring Matthew Carey to prove that his first wife was deceased, however, the General Court, of which the justices of the

Superior Court of Judicature were a part, revised the law on bigamy under which Matthew had been charged. When Matthew Carey had married Elizabeth Sylvester, the law had stated that couples who had been separated for more than seven years might consider their marriage dissolved and be free to remarry. In 1698, the General Court reduced the waiting period to three years, almost certainly in response to Matthew Carey's case. Carey's case did not quite fit the letter, and certainly not the spirit, of the law. Only those whose spouses had traveled by sea and who had not been heard from in three years, and so might reasonably be presumed dead, might consider themselves single.[121] Matthew Carey had been useful to both Governor Phipps and Governor Stoughton. He had been dispatched by the first governor to capture deserters from the *Nonesuch* and by the second to recover English captives in Quebec. The new law was enacted at least partially in return for Carey's successes.[122] Elizabeth Carey's attempt to extricate her husband from his new marriage by contacting the bride's brother was a wise move. Had it not been for Matthew's political influence, it might even have worked.

Philandering husbands, unfaithful wives, fornicating sons, and bastard-bearing daughters: there was plenty of grist for the gossip mills in late seventeenth-century Massachusetts, and it would have been surprising if neighbors never intervened out of a sense of righteous indignation, concern for sinful souls, or just plain nosiness. Indeed, the occasional neighbor did come to view a supposedly premature child and then testify in court that the baby's parents must have been intimate before they were wed. Folks who noticed the wrong horse tied up at the wrong house too late at night might well tell all they knew, first to friends and later to a jury. And if neighbors did not want to live next door to the wife who was threatening to have her husband killed, or a husband who was preying on his neighbors' wives, it is not surprising that they were willing to testify in cases of divorce or lascivious carriage. Certainly, the courts got wind of illicit goings-on from someone. In most cases, however, prosecutions for sexual misbehavior involved either a bastard child who could not be ignored or an identifiable victim who brought (usually) her own complaint. The watchful eyes of the selectmen or tithing men were probably responsible for most of the remaining prosecution of non-procreative, consensual sexual crime, although the occasional neighbor certainly must have tattled.

In the main, however, families (and particularly parents) provided the backbone of the policing system when the issue was sexual crime. Observation and informal intervention were the first steps. Once sexual misbehavior came to the attention of the courts, those authorities might be alternately a tool or an adversary. Family members might try to circumvent the court's justice by providing alibis for their children or testifying to a baby's prematurity. But the courts could be a useful ally as well. Giles Sylvester, after all, had his sister's husband charged with bigamy because that was the only way he could separate the pair. Samuel Lilly of Reading entered a bastardy complaint against his sister so that she could get child maintenance from her partner.[123] Jose Bucknam did the same for his daughter, Elizabeth Mellins.[124] The importance of a strong family network is underlined by the experiences of those who lacked kinfolk to whom they might have turned for help. Servants and slaves, especially those who lived far from home, relied on their master's kinship networks. They, particularly female servants, usually found that a "family of employment" was a poor substitute for a dense network of caring kin.

CHAPTER 6

Two Missing Infants

"Why you no tell me piganyny come?": Marea's Infanticide

In the fall of 1676, the little town of Weymouth still kept a night-watch alert for the presence of hostile Indians.[1] Only a few short months before, the town had been attacked during King Philip's War, and the white residents doubtless still lived in fear of further violence. Indeed, Philip himself had been killed just the previous August. Many of Weymouth's men had traveled to distant towns to fight in the war, and the memory of those who had died was still fresh in the minds of many of the residents.[2] But for the colonists who lived in Weymouth, not all Indians were hostile or even necessarily foreign. Weymouth had originally been settled in 1622 with the permission of Amberdecest, the local sachem. In 1642, the town, now a part of the Massachusetts Bay Colony, executed a deed with Nahanton and his family that confirmed the existing settlement.[3] The deed specified that the Massachusett Indians allied with Nahanton would retain about thirty acres of land, while the town of Weymouth was confirmed in that land it had already settled. Furthermore, the local Indians declared that they "doe account our selves Now Inhabitants of sd Town & therefore to Injoy all priveledges with them & no other then them selves Enjoy" and promised to "live orderly among them." One of the original witnesses to the deed confirmed its

authenticity in 1685, suggesting that the arrangements remained current even after King Philip's War.[4] The contract must have meant a loss of autonomy for Weymouth's Indians, but it does appear that the two groups managed to live side by side in relative peace. Hannah French, therefore, was probably not unduly alarmed when she found Charles, the local Indian sachem, knocking on her door one Monday morning in the fall of 1676.

The news Charles brought, however, was disturbing. According to Hannah French, Charles told her "he much sory for Sqwa Lost her piganiny yesterday a little before sun left: And she no tell me tell this morning She tell my wife: And me aske her why you no tell me piganyny come: She say grat many Indians me much Shamed: And I and my wife go looke for piganyny and wee fine none: But something all Rotten: me thinke English woman call Bagg." The news was upsetting, but it could not have come as much of a surprise to Hannah. The "Sqwa" to whom Charles referred was French's "Spanish Indian" slave, Marea. Hannah had known about her pregnancy, knew it was not progressing normally, and was aware that Marea had gone to the Indian side of town to deliver. Indeed, she would later tell the Court of Assistants that Marea had left her home against Hannah's wishes and "Not withstanding I used all meanes I could to sswade her to the contrary." Hannah was not able to prevent her slave from leaving. Hannah's husband, Stephen, could not be held responsible either, as he was away from home. "Neither had he any knowlge of her going as I do know of," Hannah told the court.[5] Hannah must have known that there was likely to be trouble. She had observed Marea's pregnancy and knew that it was unlikely Marea would give birth to a living child. She must also have known that since Marea was unmarried, she would be under immediate suspicion of infanticide. Although Massachusetts Bay did not adopt the 1624 English statute, which decreed that any woman who delivered a stillborn bastard alone was responsible for proving that she had not committed infanticide, until 1696, the Massachusetts courts were still deeply suspicious of unwed mothers who gave birth alone. In the absence of witnesses, convincing the court that a bastard had died of natural causes could be difficult indeed.[6] When one of Hannah French's kinsmen, John Vining, began

spreading stories that he had seen Marea's murdered infant, it took all the resources of the French family network to see that Marea escaped the gallows.

There was an almost tiresome rhythm to infanticide cases in late seventeenth-century Massachusetts. An unmarried woman concealed her pregnancy, delivered in secret, concealed the dead body of her infant, and claimed that the child was stillborn once it was discovered. Fourteen women were accused of infanticide in Massachusetts in the years 1660–1700.[7] All but three of the women were unmarried; all but one of the children was a bastard. Mary Flood, wife of a drunken and abusive husband, probably killed her thirteen-week-old child accidentally in 1685, although she told her husband repeatedly that she had killed the child because he would not "work to mantaine it."[8] All the other women were accused of killing bastard children within hours of their birth, presumably to hide their unwanted, and hitherto undiscovered, pregnancies. The question of concealment appears to have been uppermost in the minds of the magistrates and selectmen who questioned women suspected of infanticide. The question asked over and over was "who knew?"

Historians Peter Hoffer and N. E. H. Hull have argued that seventeenth-century New England courts convicted infanticide defendants at a higher rate than was the case in either contemporary England or Maryland because the Puritans had a special horror of both secret sin and sexual sin. Secret sin left unpunished and unrepented had the potential to bring judgment on entire communities. Sexual sin sullied the New Israel. It is certainly true, of course, that Puritan ministers preached regularly on the dangers of concealed sin, and New England courts punished a wider range of sexual crimes than did either English or Chesapeake courts.[9] However, it would be short-sighted to attribute the higher conviction rate entirely to religious principles. The Massachusetts authorities, after all, had a point, and it was one that was recognized in the English bastardy statute of 1624, which made unwed mothers who delivered alone responsible for proving that they had not killed their infants. Women carrying illegitimate children had good motivation for infanticide. Life could be very difficult indeed for women who bore children out of wedlock, particularly if they lacked a strong family network to help them face

the courts and see to their children's care. If sexual sin was punished more harshly in New England than elsewhere, perhaps New England conviction rates for infanticide were higher because desperate young women had greater motivation to hide their sin. Concealment, likewise, may have been theologically anathema to Puritan ministers, but it could also be good evidence that a crime actually had been committed. Women who concealed their deliveries might well have been suspect, especially when other women were in earshot, since once a child was born, there was only one way in which they might reasonably expect to continue keeping their secret.[10]

Ordinary, legitimate pregnancies were, almost by definition, not secret. Certainly mothers and female relatives must have helped many young mothers through the trials and changes of pregnancy. Midwives, mothers, and female friends provided both emotional support and practical assistance during labor and delivery. These attendants helped to ensure the safety of both mother and baby through what could be a dangerous time for both. Why would young women conceal their pregnancies and fail to call for help when their labor pains began, unless they had evil intent, or as the felony indictments put it, "malice forethought?" The justice who examined Elizabeth Emerson in 1691 asked her whether even her parents knew of her pregnancy, but Elizabeth replied, "Not as I know of, no more than you did." "Did you call for help in yor travel?" the same man asked. Elizabeth, after all, had admitted to delivering twin girls in the trundle bed at her parents' feet. "No," replied Elizabeth. "There was no body to call but my Father & Mother; & I was afraid to call my Mother for feare of killing of her."[11] Sarah Smith, a married woman whose husband had been in captivity in Canada for three years when she delivered in 1698, admitted that she had told "Many lyes" to conceal her pregnancy from suspicious eyes. An inquest jury asked her, "Why did you not call help of Woemen as is Usuall?" Sarah admitted that she "should have done well soe to have done" and that her intent was to conceal her delivery.[12]

Such concealments in of and themselves could cost a newborn its life. When Mary Haire, a married woman whose husband had returned from sea only thirteen weeks before her delivery, went into labor, she claimed that she was only sick. Although her family called a midwife, who arrived

about half an hour before the child was actually born, the midwife testified that she and her attendant did "feare the Ocation of the death of it was for want of timely help." Mary Haire was charged with, although acquitted of, infanticide.[13] Elizabeth Payne was charged with infanticide in 1683. Although she, like Mary Haire, was found not guilty, the Court of Assistants found her "greatly negligent in not Calling for help for the preservation of the childs life."[14] Grace, a black slave, was charged with bringing "forth a male Bastard child alive Secretly & without the knowledge or help or any other woeman." No surviving case papers reveal the details of her delivery, but Grace was sentenced to hang in 1694.

The final act of revelation before a woman was charged with infanticide was usually the discovery of the dead child's body. Grace had tossed hers into an outhouse, as did Rose, another black slave, in 1700.[15] Elizabeth Emerson sewed her children up in a bag before burying them in a shallow grave in the garden.[16] Sarah Smith's child was found lying hidden near her bed, tied up in an apron.[17] Sarah Threeneedles left hers naked in a pasture.[18] The same women who examined the accused for evidence of a recent delivery searched the children's bodies for signs of violence, such as an umbilical cord wrapped around a child's throat or suspicious bruising. On the surface, Marea's case must have looked painfully familiar. An unmarried woman had given birth alone and had no child to show for it. One witness would claim that Marea had rid herself of her child in a way more horrifying than even disposal in an outhouse or exposure in a field. According to John Vining, Marea's child "was throwed out to the hogges and they had eat some of it."[19]

"Grat many Indians me much Shamed." According to Charles, Marea had said she was too ashamed to call anyone to her aid when her labor began, but the explanation makes very little sense. Marea's pregnancy was no secret. Her mistress knew she was with child. Indeed, she appears to have summoned several neighborhood women to examine Marea in the hopes of abating her suffering or even saving her baby.[20] Many people on the colonists' side of Weymouth were intimately familiar with both Marea's condition and her body. Marea intentionally retreated to a "wigwam" in the Indian part of town where she evidently felt more comfortable giving birth, but even here she did not summon aid. However, most New England Indian groups lacked a concept of

fornication as a crime. Although some groups under certain circumstances recognized adultery as a misdeed, most groups encouraged sexual exploration among unmarried persons. If Marea was familiar with local Native American sexual customs (and it was possible that she was not), she would have been unlikely to fear the condemnation of the residents of the wigwam.[21] The most likely explanation for Marea's solitary delivery was simply that giving birth alone was what seemed normal to her. There is no specific record of Maria's ancestry. The designation of "Spanish Indian" tells us only that Marea was from someplace under Spanish jurisdiction, but giving birth alone was the custom of women in many Indian nations. Some native societies did incorporate midwives of some kind, and some women did give birth in the company of friends and relatives in a way similar to that of the English, but many did not. Travelers' accounts and the tales of amateur ethnographers often featured Indian women who disappeared briefly into the woods only to return carrying their newborn infants. The stories perpetuated the myth of painless childbirth, since these women took pride in refusing to cry out; but they also document cultures in which delivering alone was the norm.[22]

Whether Marea was acculturated enough to express shame—even formulaically—about her pregnancy is questionable. As a Spanish Indian, Marea was twice removed from English society. Not only was she not a white colonist; she was not even a member of a group that had had long-term contact with New England settlers. We do not know how long Marea had lived in Massachusetts by 1676. Nor does her case include any surviving examinations that might allow us access to her own words. There are, however, two clues in the depositions taken from other Weymouth residents, which strongly suggest that Marea was, at the very least, linguistically isolated. The first is that four different deponents refer to Marea's child as a "piganyny."[23] The second is Marea's explanation of her stillbirth. When Thomas Drake, a resident of Weymouth, asked Marea where her "pigininy" was, she replied, "it was no Boone much like." Similarly Marea's mistress testified that Marea worried before her delivery that "her piganyny was much sicke no boone." Marea may have been saying the same thing to Ebbett Hunt, although Hunt interpreted her words as "her pigany was sicke, most gone." Although

the word "piganyny" or pickaninny would become common parlance in the United States in the nineteenth and twentieth centuries, it is not a word one commonly encounters in seventeenth-century New England documents. Although the word's origins are not entirely clear, it may have grown out of an elision of the words *pequeño* and *niño,* and the first known instances of it occurred in the seventeenth-century Spanish West Indies.[24] In all likelihood, the residents of Weymouth referred to Marea's child as a pickaninny only because she did. Interpreting Marea's other comment, that her child was "no boone," is more difficult. It is possible that she was saying it was "not boon," which in seventeenth-century English would have meant "not good."[25] It is even possible that she was saying not "bonny," as in not healthy. It is more likely, however, that Marea was communicating in a combination of languages and that "boone" was a Spanish or Spanish-creole word. Marea may have been saying that the child was *no bueno,* or "not well." It is just as likely that Marea was communicating in a Spanish creole. In both modern Haitian Creole and Papiamentu, a Spanish creole still spoken in some parts of the Caribbean, the word for good is *bon.*[26] Marea's normal method of communication was probably very broken English combined with Spanish or Spanish-creole words.

Marea's ability to communicate with those around her was apparently quite limited. She probably did not possess the linguistic skills to have absorbed the finer points of colonial culture. The Indians who lived in Weymouth, however, were in a very different situation. Small details from Marea's trial record suggest that there was cultural interchange between the two groups. The Weymouth colonists had evidently borrowed from native foodways. A local Indian reported that he had seen a colonist gathering ground nuts. Mary Rowlandson had observed that these were the "chief and commonest food" of the Indians who captured her the year before Marea became pregnant.[27] The Weymouth Indians, in turn, kept pigs. Livestock husbandry was relatively rare, although certainly not unheard of, among Native Americans outside the praying towns. The pigs inside of Weymouth suggest that the Indians had had long-term contact with the English settlers and may be an indication that English encroachments on their land had sapped their ability to draw from more traditional food supplies.[28] Furthermore, the Indians at

Weymouth had declared themselves residents of the now colonial town. As such, they were almost certainly subject to colonial justice.[29] Finally, depositions that purported to quote Charles's words represent his English as ungrammatical but completely intelligible. Marea may well have lacked familiarity with English customs, but Charles was likely all too familiar with colonial ways. Charles would have known the explanation the colonists wanted to hear. "Grat many Indians me much Shamed." The words are more likely to have been Charles's than Marea's.

But if Marea was linguistically isolated, she was not on her own when it came to dealing with the consequences of her solitary stillbirth. Marea's master and mistress, Stephen and Hannah French, appear to have tried to care for Marea's physical well-being from the beginning. Hannah French distanced herself and her husband from Marea's decision to give birth both among the Indians and alone. Part of her reason may have had to do with the legal consequences of Marea's actions. As Marea's owners, the Frenches might have been held responsible for her behavior. They also would have wanted to make it absolutely clear that they had nothing to do with Marea's delivery in the event that she was convicted of infanticide. Infanticide was generally a solitary crime, but conviction as an accessory to murder in an infanticide case was possible. The year after Marea was charged with infanticide, Christopher Grant Jr. of Watertown was charged with committing fornication with his father's servant and then concealing his newborn child's murder. The Court of Assistants found Grant's partner not guilty of infanticide so Grant could not be convicted as an accessory.[30] In 1696, however, Susannah Andrews was convicted of murdering her newborn twins.[31] Susannah's parents were accused of "knowing of the sd. ffelony." According to the grand jury, they "did Countenance Comfort releive and Succour the sd. Susanna; and did hide and Conceal that sd Murther, and did secretly bury the sd Infants." Although they denied all knowledge of their daughter's pregnancy and delivery, John and Esther Andrews were convicted of being accessories to murder and were sentenced to hang.[32] Too close an involvement with Marea's potentially felonious delivery might have placed the Frenches in danger of prosecution. Yet Hannah's insistence that she tried to dissuade Marea from leaving has a ring of truth to it. Hannah French's later testimony before

the Court of Assistants suggests that she had no little experience with childbirth and the complications that could attend pregnancy.[33] She would certainly have believed that she could give Marea better care than she would receive among the Indians, even if she did not expect Marea to give birth alone. Within a day or so of Marea's delivery, Stephen French visited the Indian wigwam and "brought some things for her."[34] These were probably items that Hannah French thought she would need. Neither of the Frenches appear to have pressured Marea to return to their home right away.

Marea's stillborn baby might have remained a private sorrow were it not for the machinations of one man. John Vining, a relative of Hannah French through her brother John, seemed determined to make trouble for Marea (see Figure 11).[35] His efforts sparked a flurry of activity among the Frenches' relatives as they scurried about to find the truth behind the disappearance of Marea's baby. The day after Charles appeared on the Frenches' doorstep, John Vining approached Sarah Pratt and told her "that there was a child borne at the Indian wigwam and that it was throwed out to the hogges and they had eat some of it." If Sarah hurried, she might find evidence, for "the child Lay by the wigwam Dore." Sarah Pratt, who was related to Hannah French through her sister Mary, sought out another of Hannah's kinswomen, Hannah Whitmarsh, and together they went to investigate (see Figures 11 and 12).[36] Pratt and Whitmarsh questioned Charles's wife, Stephen French, and Marea, but none of them had any answers, for, they told the pair, "they no see no Child." Pratt, Whitmarsh, and Charles's wife then "search[ed] all about

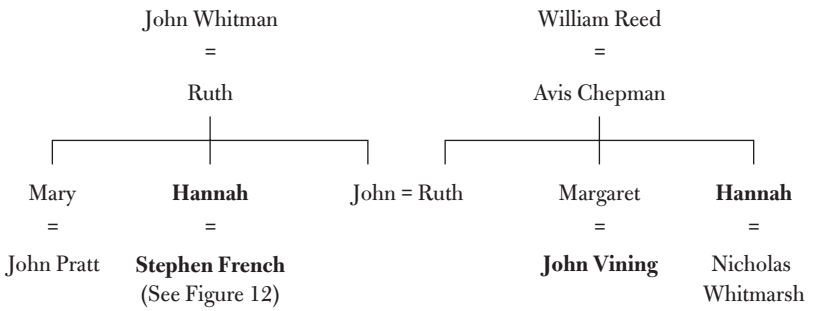


Figure 11: Genealogical connections through Hannah French, part 1

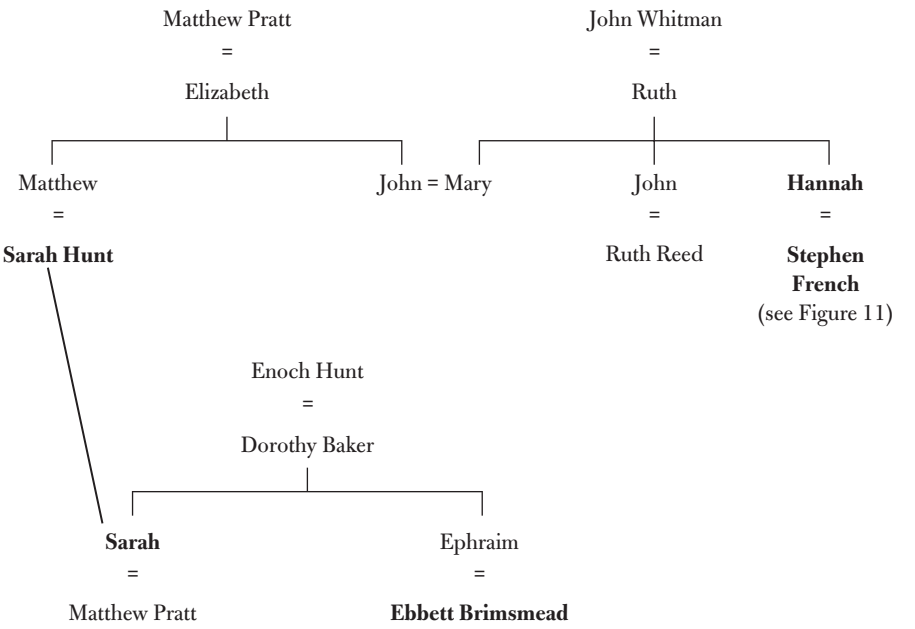


Figure 12: Genealogical connections through Hannah French, part 2

that field where the wigwam was: as well as wee could and could find no Child." Charles's wife showed the two English women the only evidence she had, "which she said came from the woman." Pratt and Whitmarsh identified the matter as afterbirth and noted "It had bin much corupted & wasted in the womb togethr with the Child." Hannah Whitmarsh later asked John Vining exactly where he had seen the supposed child, but neither she nor Sarah Pratt returned to the fields by the wigwam. They had found no evidence of a murdered child and had concluded on the basis of physical evidence that Marea had not given birth to a living child. Whitmarsh and Pratt had seen enough to conclude that John Vining had cried wolf.[37]

Four months passed and all was, presumably, quiet until John Vining once again claimed that he had seen the corpse of Marea's child. John had had no luck convincing Hannah French's female relatives that Marea had brutally murdered her newborn. He hoped to have better luck with male relatives from Stephen French's side of the family. Thomas Drake later testified that Charles appeared once again on his doorstep in February of 1677, this time to "harie" him to investigate the spot where

John Vining said he had seen Indians digging. Whether Vining claimed that he had just remembered precisely where he had seen Indians digging the previous fall or tried to convince Charles that the Indians in his community had buried the child's body four months after its death remains unclear. Marea would be tried the following month, and it is possible either that Vining's new accusations sparked her indictment or that the indictment motivated Vining to new flights of fancy.[38] Thomas Drake hauled out his "tooles to digg the ground," alerted Stephen French's cousin John Randall, and the four men set off for the open ground near the Indian wigwam (see Figure 13).[39] Once again John Vining's story survives only as a tale discredited. Vining showed the other men the spot where he claimed the Indians had been digging, but Thomas Drake later testified that it was "a place that to or aprehenssions had not bin Diged nor broake at all." Indeed, the ground was covered with briars, which proved that the soil had not been disturbed. About "a Rod" (sixteen and one half feet) from the spot that Vining had identified, there was an area of broken ground. Charles had an explanation for that one, however, and told the other men that a colonist's daughter had dug looking for ground nuts. "And so," concluded Drake, "wee Did Judg that it was so & that there was no diging for any other use." Drake questioned Vining as to precisely who had been digging, and Vining claimed that the man had been a tinker in a red jacket, but Charles objected that the tinker had not been in town at that time. Once again, the

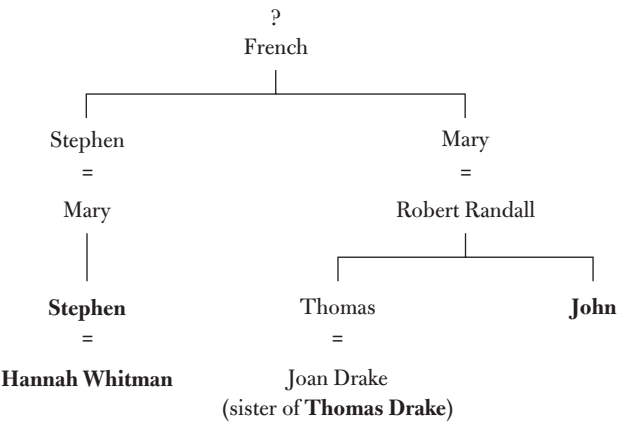


Figure 13: Genealogical connections through Stephen French

men questioned the Indians who had been living in Weymouth in the fall of 1676. Once again, they all affirmed "that they see no child."[40]

And so, without a body, the Court of Assistants tried Marea for murder in the spring of 1677. Sarah Pratt, Hannah Whitmarsh, and Thomas Drake all testified that they had searched for evidence of infanticide and had come up empty-handed. Three other deponents provided a medical explanation. Hannah French, Marea's mistress, was in the best position to observe her pregnancy. Hannah told the court that Marea had for several weeks been ill with "a most violent distemper" and that she had an "Issue of watter & clotts of blood Runing out at her Navell in a very great measure." She testified that Marea often cried out that "her belly was a fire and that shee should go into the Ground." Marea's explanation was that "her piganyny was much sick no boone," and Hannah did "Judg Shee did Speake the Tryth." Hannah French had been at something of a loss. Marea's condition was "the Like I never sawe," and so she consulted with "severall women of good Experiense," but they, too, were baffled. Perhaps one of these women was Hannah's kinswoman, Ebbett Hunt, who echoed Hannah's testimony about Marea's "distemper" and her judgment that her baby was doomed. French concluded, "I could not believe that a woman in her condition could breed & Bring forth a living Child ffor that which should have norished the Child was continually Isuing from her."[41]

Just in case the court failed to be swayed by the medical testimony of females, someone (probably Stephen or Hannah French) called in a male expert. Thomas Mighill was a minister from Scituate who evidently had some medical training. Mighill assured the court that Marea's complaint was not "Venerial distemper" as some had feared. Rather, Marea was suffering from "Histerica passio" (literally, "hysterical passion"). There were two competing discourses concerning the etiology of hysteria in the seventeenth century. The older idea was that hysteria was caused by irregular motions of the uterus. By the seventeenth century, some English physicians, however, had began to believe that hysteria resulted from a disruption of the "animal spirits," which traveled through the nerves. Regardless of which tradition Mighill embraced, both described the symptoms of hysteria as a humoral imbalance and what we would call emotional distress (or, as Shakespeare wrote in *King Lear,* "a climbing

sorrow").[42] Mighill told the court that Marea's fits were "so violent and sharp" that they caused the color of her humors to change as they made their "way out at hir navel." The flux of discolored humors and her frequent complaints of "hir Pickaninie being sick" led Mighill to "really fear if thee putrifaction in the place would follow."[43] Thomas Mighill did not explicitly state that Marea was incapable of bringing a healthy child to term, but could anyone really believe that Marea's rotting body could give birth to a living child?

In the end, the Court of Assistants acquitted Marea of murder.[44] Marea was defended by what at first seems an unlikely combination of allies. The local Massachusett Indians, with whom Marea appears to have had some sort of connection, affirmed time and again that there was no murdered child to be found. But Marea's most crucial support (and her only accuser) came from the French family's network of kin. Hannah and Stephen French's family might have been expected to hold a grudge against Indians in general. At least three of the Weymouth men killed in King Philip's War were related to the people who worked to prove that Marea was innocent: Thomas Pratt was Sarah Pratt's brother-in-law;[45] John Whitmarsh was Hannah Whitmarsh's brother-in-law;[46] and John Reed was related to at least three of the people who played a part in Marea's trial—he was Hannah Whitmarsh's brother, John Vining's brother-in-law, and Hannah French's brother's brother-in-law.[47] John Vining may have acted from a sense of revenge against Indians in general. If that was his motivation, he seems to have been the only one in town who indulged it with regard to Marea. Other members of the French family visited Marea in her illness, confirmed that her delivery had ended in stillbirth, and testified to her innocence before Massachusetts's highest court.

As we will see in the next chapter, masters and mistresses kept a watchful eye on the sexual behavior of their servants and slaves and tried to prevent incidents that might bring them to the attention of the courts. Stephen and Hannah French failed miserably in this regard. In January of 1679, the Suffolk County court finally got around to charging someone in connection with the act of fornication that must have preceded Marea's pregnancy. Both the Frenches' white servant, Robert Corbet, and their black slave, George, confessed to having intercourse with

Marea. Both were sentenced to be whipped.[48] Strangely enough, Marea does not appear to have been charged with fornication. Although it would be pleasant to think that the county court believed she had already been through enough, it is more likely, given the seriousness of her illness, that she had died in the nearly two years separating her trial for infanticide and her partners' confession to fornication. But if Hannah and Stephen French failed to keep their servants from engaging in intercourse with one another, they excelled at drawing their kinfolk around their endangered slave. Slaves tended to be more firmly connected to their families of employment than were free servants and represented a substantial financial investment. They were worth protecting if only because dead slaves make notoriously poor sources of labor.[49]

The fate of free servants who drew the attention of the courts stands in stark contrast to that of slaves. Because masters and mistresses lacked a real financial investment in their free servants, they had markedly less interest in protecting them, as Zipporah, a free black servant living in Boston, learned when the corpse of a decapitated infant was found along the shore near her master's home.

Zipporah and the Headless Baby

In October of 1663, a group of men came knocking on the door of Richard Parker's house near the shore of the Mill Pond in Boston. Two men and a woman, while walking along the edge of Parker's field, had come across a horrifying sight: the headless corpse of a newborn infant. The group making their way through the streets of Boston were searching for a newly delivered woman and a murderer. Several women in town had known or suspected that Zipporah, the free black servant living in Parker's household, was pregnant. Perhaps one of these women had tipped off the jury of inquest. Or perhaps Richard Parker's house was simply the logical place to start looking, since the decapitated child had been found in his field. The records are silent as to who opened the door to the group of searchers. The house was inhabited by at least six people. Richard Parker, the husband of Ann Parker, owned the house. Ann Manning, wife of John, was their daughter. Elizabeth Mellows was a white servant. Zipporah worked for the Mannings.[50] Any of them

might have informed the searchers, but Elizabeth Mellows was the one with no reason to keep her mouth shut. Zipporah had lately given birth, and the child's body had been buried along the shore of the Mill Pond. Zipporah was arrested for infanticide.[51]

Zipporah's supposed infanticide, unlike Marea's, failed to fulfill most of the tired rhythms of similar seventeenth-century cases. Zipporah did not give birth alone. Those who witnessed her delivery were eager to tell the authorities that Zipporah's child had been born dead, but the attendants—Ann Manning, Ann Parker, and the midwife—were not Zipporah's allies. The actions of the white women in the household, which might at first glance appear to have been motivated by support and sympathy for the black servant, were, upon closer examination, contrived to serve the interests of the Mannings and the Parkers. Indeed, their callous disregard for Zipporah's well-being and zealous quest to protect their own kin almost certainly led one of these women to commit the felony of which Zipporah had been accused.

Zipporah's story came out in the course of the inquest's investigation. News of her pregnancy appears to have surfaced first among the black women of Boston. Two black women, one free and one enslaved, knew of Zipporah's pregnancy and attempted to alert her mistress. Elizabeth, the wife of a freedman named Angola but probably a slave herself, claimed that she had known about Zipporah's pregnancy for about three weeks before her delivery. She did not tell the court how she knew or whether she had given Zipporah any sort of direct aid. A day or two before Zipporah delivered, however, Elizabeth approached Sibella Sands, a local midwife, and told her that Zipporah was with child. Sands promised Elizabeth that she would alert Zipporah's mistress.[52] The same day that Elizabeth approached Mistress Sands, Mary, a free black woman, made her way to see "hir Country woman." When she reached the Parker household, she told Ann Manning she had heard that Zipporah was "Ill a bed." Manning retorted that Zipporah was "well on hir leges."[53] Ann Manning would prove to be stubbornly oblivious to the fact that her servant was pregnant.

At first glance, Elizabeth and Mary's actions might seem hostile toward Zipporah. They both attempted to inform Zipporah's mistress of a pregnancy that Zipporah, so far, had managed to conceal from her employer. Both Elizabeth and Mary were, however, older than Zipporah,

and they may have learned some lessons that Zipporah had not. As an unmarried, pregnant woman who was apparently concealing her situation, Zipporah was in a dangerous position. If she continued to conceal the pregnancy and then gave birth alone, she would be susceptible to a murder charge if her child was stillborn or—of course—if she killed the child in order to hide her fornication. Because most of the midcentury records of the Court of Assistants, the body responsible for hearing felony cases, have been lost, we cannot know if any women had been executed for infanticide under similar circumstances in the early 1660s. In 1646, however, Governor John Winthrop noted in his journal the trial and execution of Mary Martin, a woman whose situation was quite similar to Zipporah's. Martin had worked as a servant in a household in Maine, had been impregnated by her master, and fled to a new job in Boston. After concealing her pregnancy and giving birth alone, Martin knelt on her newborn's head until its skull cracked. When a suspicious midwife examined Martin's body and found evidence of a recent birth, Martin's crime was discovered, and she hanged.[54] Although no record of Elizabeth's birth date has survived, we do know that she was married in 1654.[55] If, as seems likely, she was married in her early twenties, she would have been a young teenager when Martin was executed. Mary, who identified Zipporah as "hir Country woman," was probably even older. She had been married by 1649 when Atherton Haugh wrote his will, which granted her and her husband their freedom after the death of Haugh's son.[56] Mary and Elizabeth both might well have reasoned that a whipping for fornication was better than hanging for murder.

Mary and Elizabeth's attempts to inform Ann Manning of her servant's pregnancy came to naught. Sibella Sands dutifully spoke with Ann Manning and told her of Mary's fear. Manning responded that Zipporah was "fatt" but "not wth child as she apprehended." Manning claimed to be confident of her opinion, telling Sands that she was watching over Zipporah and knew "shee had ye Custom of weomen upon hir."[57] A menstruating woman could not be pregnant. If their testimony can be believed, both Manning and her mother refused to accept that Zipporah was pregnant until after she had been in labor for some time. Ann Parker would later add that Zipporah gave no other signs of pregnancy. Manning's refusal to consider the fact the Zipporah might be

pregnant is curious. The first impulse of most masters and mistresses was to turn a pregnant servant out of doors before she could become a disgrace to the household and a charge to the town. Zipporah was probably born in Boston and so lacked a town to which she could be sent "back," but had Manning been willing to recognize that Zipporah was pregnant, she might have turned her away from the household. A brief line from Ann Parker's later testimony suggests that Ann, at least, regretted her blindness. She told the court that if only Zipporah had shown signs of pregnancy "she should not have done what she did doe."[58]

Ann Parker regretted her supposed ignorance in hindsight, but on the day Zipporah gave birth, she, her daughter, and at least two midwives seem to have tried to avoid witnessing Zipporah's delivery. When Zipporah became "not well" about noon on Wednesday, September 23, mother and daughter left the house for the space of two hours. When they returned, Zipporah was evidently fully in labor; the women gave up and called a midwife. As it turned out, Manning and Parker were not the only women reluctant to witness Zipporah's delivery. The pair called on Sibella Sands, the midwife, probably because she was a family friend. After all, Elizabeth had considered her an appropriate conduit to reach Ann Manning. Sands, however, attempted to pass the buck by taking the unusual step of going to find another midwife to deliver the child. Sands attempted to persuade Elizabeth Makepeace to officiate at the delivery, but Makepeace "being weary she did not Come." Perhaps Mistress Makepeace was tired; perhaps she had her reasons for avoiding the birth. Elizabeth Makepeace was Elizabeth Mellows's aunt, and she lived near the Parkers.[59] As a servant in the Parker/Manning household, Mellows might well have had some idea of the identity of the baby's father and served as a conduit of information to the reluctant midwife. When Sands returned to the Parker household, Ann Parker suggested that they try another midwife, Goody Baxter, but Sands was evidently resigned by this point: "noe says mrs Sands Let her alone a little while. . . . It may be a fitt of the Collick."[60] Sibella Sands did not want to be at the birth. Elizabeth Makepeace made her excuses. The trio gave up on Goodwife Baxter before they even called her. Maybe the town's midwives were all just tired. Maybe they all suspected that this was one birth at which they did not want to officiate.

Zipporah gave birth in the presence of three women: her mistress, Ann Manning; her mistress's mother, Ann Parker; and the midwife Sibella Sands. Elizabeth Mellows, the family's white servant, was in the house but not present for the birth itself. Because Mellows was unmarried, the other women in the household would have considered it inappropriate to ask for her assistance during the birth, although she later carried coal to the room in which the birth had taken place and overheard Parker and Manning discussing what to do with Zipporah and her child. No one seems to have suggested asking either Mary or Elizabeth, who had previously shown concern for Zipporah, to attend the birth. After Zipporah was delivered, Ann Parker "bid" Zipporah "get A Negro woman to her," but relented—ostensibly because Zipporah wished the birth kept secret.[61] The absence of witnesses to the birth itself other than the midwife, Parker, and Manning may indicate, however, that it was Parker and Manning who were most concerned about suppressing the details about Zipporah's child.

When later questioned by the inquest jury, the women presented cursory testimony as to the infant's prematurity. According to Mrs. Sands, Manning, upon observing the child, "lookt at it as not Coming to its time."[62] Ann Parker was more specific and testified that in her judgment the child was "Some Sixe weekes before the time."[63] Zipporah claimed that her first sexual encounter had occurred the previous March, which would have fit with Parker's timeline.[64] Although the court noted that Manning's and Sands's testimony did "much concurr" with Ann Parker's written testimony, the midwife does not appear to have independently confirmed the supposed prematurity of Zipporah's child. Indeed, given the circumstances of the birth, the women attending appear to have been remarkably unobservant. The two most common pieces of evidence presented by women who attempted to prove to the courts that their children were premature were the lack of nails and the size of the child.[65] Zipporah claimed that Sands noted a lack of finger and toenails, although Sands's written testimony says only that the child was stillborn and had a limber neck and head.[66] Mrs. Parker, presumably upon being questioned about the presence of nails, replied "I did not Looke upon it to know whether it had nayles or no."[67] None of the women testified that the child was particularly small to back up their claims of prematurity.

The women testifying emphasized not the potential signs of prematurity, but the child's race. Mrs. Sands noted that she "lookt on the child wislly [wisely] & saw the face & head & the breast & it was black as a negro."[68] Mrs. Parker testified that "the face of the child was blackish & the haire of the head was blacke."[69] Zipporah described her child as "blackish when it was borne."[70] Elizabeth Mellows described the child as "of a darkish Coulor the thigh & leges"; presumably, she had not seen the head.[71] By the time these women told their stories to the grand jury, details regarding the child's race were crucial. After all, the headless corpse had been that of a white child. Evidence that Zipporah's child was black was important to proving that the decapitated infant was not hers, but the women of the household may have been just as interested in establishing that a mixed-race child had not been born in their house. Sibella Sands's lack of testimony about the potential evidence of prematurity is strange. Stranger still is the question Sands apparently failed to ask: who was the father of the child? When the inquest jury questioned Zipporah on October 5, she told them that Jethro, a slave owned by William Hudson, who lived next door, was the father. The inquest jury, however, may have been the first to officially ask the question. As a midwife, Sands had a legal duty to ask an unwed mother at the height of her labor for the name of her child's father. If she did so in Zipporah's case, none of the written testimony preserves the question or the answer. Perhaps the white women in the birthing room did not want to know or did not want to repeat the answer Zipporah gave.

Ann Parker and Ann Manning's first priority seems to have been to conceal Zipporah's delivery; their second was to rid their household of a troublesome servant. Legally, women's duty was clear. They should have reported the stillbirth to the authorities and allowed Zipporah to be charged with fornication. Ann Manning, however, was reluctant to follow this course of action. When she asked Mrs. Sands what should be done, Sands replied that "she thought mr parker should be acquainted" with what had happened. Ann Manning "Replyed she thought not so: because providenc had ordered it to be secret & she lookt at it as not Coming to its time & was not willing hir father shud know of it because he was on his oath." According to Elizabeth Mellows, Mrs. Sands "abused" Manning, telling her, "that she never heard tht such a thing

was kept secret."[72] Ann Manning's father, Richard Parker, was a commissioner in Boston. A commissioner was someone authorized to sit as a judge in cases of minor crimes and to assist magistrates in the trying of more serious ones. Presumably, Mr. Parker had taken an oath to make public any infractions that came to his attention.[73] Manning may have feared that her father would put his oath before the interests of his own household. She may have been hesitant to put her father in a position in which he might be tempted to break his oath—a very serious matter among seventeenth-century New Englanders.[74] She may also have been reluctant to reveal to her father that she had been such a poor mistress as to allow her servant to become pregnant and give birth in his house. Ultimately, Manning and Parker placed the blame for concealing the crime on Zipporah's shoulders. Although Mrs. Sands and Elizabeth Mellows both testified about Ann Manning's unwillingness to turn Zipporah over to the authorities, Manning herself told a different story. When asked why she had concealed the birth, Manning replied "because Zipporah Did so Crye & Desire it might be kept secret."[75] At this point, Ann Parker appears to have taken over the practical aspects of concealing the crime. Her recounting of the birth was sparse and matter-of-fact: "As for a child there was a Child borne in the house & it was dead borne & I tooke the child & putt it in a Ragg & I bid her get A Negro woman to her, & she Desyred me that it might not be publicke And so I did Let it alone[.]"[76] All the parties involved, except for Elizabeth Mellows, who claimed ignorance, agreed that Ann Parker had taken the dead infant, wrapped it in a rag, and ordered Zipporah to bury it the following night. Those who claimed to be in the know were equally emphatic that the corpse had had a head when Mrs. Parker wrapped it. And so the night after her delivery, Zipporah made her way through Mr. Parker's field to the edge of the Mill Pond. There, according to her testimony, she "went & made a hole nere the Sand where the water was." She dug the grave with a piece of a pail and buried the child "a pretty way into the mudd about a foote & a halfe."[77]

The incident might have ended there for the white women in the Parker household had neighbors not come across the headless corpse on the shore of the Mill Pond. Zipporah's life, however, would probably have undergone massive changes, even if her crime had not been made

public. When Elizabeth Mellows overheard Sibella Sands and Ann Manning debating what to do about the stillborn infant, she gleaned a detail that did not turn up in any of the other women's testimony. According to Mellows, part of Ann Manning's plan to keep the incident secret involved getting rid of her troublesome servant. Mellows testified that she heard Manning tell Sands that "she meant to send the negro to the Barbadoes."[78] It was not an idle threat. Zipporah could have been shipped away quietly. Ann Manning's husband and father were both merchants. Her cousin, William Davis, was a merchant in Barbados.[79] The family would likely have had little trouble converting their free black servant into a sugar plantation slave on a faraway island. Selling a free woman as a slave would have been patently illegal, of course, but as we have seen in the case of Sylvannus Warro and his bastard child, even the courts were not above treating people of color as potential slaves when their behavior became inconvenient. Most masters and mistresses acted to remove sexually misbehaving servants from their households as quickly as possible. The fact that Zipporah was black simply made the job potentially easier and more profitable.

But, of course, Zipporah did not end up in the Caribbean. Ironically, the discovery of a headless corpse in Richard Parker's field may have saved her from the death trap that was Barbados. In early October of 1663, however, Zipporah's life seemed to be in more immediate danger. The inquest jury did not believe that it was examining the corpse of a secretly buried, stillborn child. Instead they judged "upon view and serious Consideration thereof" that the corpse they were viewing had been "timely borne," that its head was "Cut off," that it was "not the Child of a Negro," and that it "was not many days dead before it was found." "Upon all which," they concluded "wee judge this child to be murdered."[80] When it was discovered that Zipporah had given birth to an illegitimate child and buried it along the Mill Pond, she was arrested for that murder. The grand jury failed to find a "true bill" against her because they could not determine that the murdered child they found was the same child Zipporah had admitted to burying.[81] None of the participants in the birth, including Zipporah herself, were willing to conclude definitively that the headless child was not Zipporah's, but all cast doubt on that theory. Zipporah, during one examination, admitted that she

"doth not know whetheer it be her child or no"; during a different examination, Zipporah told her interrogators "That she is sure hir child she buried had its head on" and that "it was blackish when it was borne & that it was not so whitish as this found: not so bigg as this."[82] Ann Parker testified only to the presence of a head on the child she wrapped for burial; Zipporah's infant "had a head on when it lay Dead in their house," she told the court. She claimed to be unable to judge whether the found corpse "is or is not absolutely the Child," and finally told the court that she "Cannot Give any accomt [account] of the head of it."[83] This, of course, left open the possibility that Zipporah had removed the child's head after she left the house to bury the infant. No direct testimony records Sibella Sands's or Ann Manning's judgment upon viewing the corpse, but it is hard to believe that Sands, as the presiding midwife, would not have been asked to view the body. In a separate piece of testimony, Ann Parker told the magistrates "as I put a Ragg about the body So I did about the heade." The court noted that Manning and Sands did "much concur" with Parker's testimony.[84] Perhaps that concurrence included their doubts about the identity of the headless baby.

With so little direct evidence linking the child found by the pond with the child buried by the pond, as well as three witnesses who had stated that Zipporah's child had been born dead, the grand jury decided that it did not have enough evidence to bring Zipporah to trial for murder. Her pregnancy and delivery, however, were incontrovertible proof of fornication, and Zipporah remained in jail, since her master and mistress were evidently unwilling to post bond for her. Zipporah's undated petition to the court after she had failed to be indicted for infanticide suggests the plight many servants faced in the absence of family members willing to go to bat for them. It also highlights the different experiences of servants, to whom families had no particular attachment, and slaves, who usually represented a heavy financial investment. Zipporah had evidently been left to languish in jail. She petitioned the court, admitting to her fornication and the justice of the court's and God's displeasure, but noted that "she [was] not bound over, to appeare any where, doe therfore humbly beseech this honored Court, to call her, before you, and to deal with her." Her case contrasted, she noted, with that of her accused partner, William Hudson's slave Jethro. Jethro was "bound to appeare

before this Court." Jethro's bond would have allowed him to await his trial in his master's home and allowed his master the fruit of Jethro's labor. Zipporah's master and mistress had no such interest in her. She remained in jail and appears to have believed that her court date had not even been scheduled. She begged the court to "deal with her" so that "she may not lye where she is to perish."[85] The court's response to her petition does not survive. Zipporah would go on to live as a free woman, acquire land in 1670, and to live until at least 1699.[86] In 1663, however, her prospects appeared singularly less than promising. In November 1663, Ann Parker and Ann Manning were admonished before the First Church in Boston for conspiring to conceal Zipporah's sin of fornication.[87] No mention was made of the plan to sell a free woman into slavery or to leave her languishing in a cold Boston jail.

On first telling, the story—sans decapitation—is a common one. Ann Manning attempted to monitor her servant's sexual behavior (in this case by watching for evidence of her monthly courses) and failed. Zipporah became pregnant, and her mistress decided to rid her household of a troublesome member whose pregnancy was a visible indication not only of the servant's fall from grace, but also of her master and mistress's inability to govern their household. The fact that Zipporah failed to give birth to a living child only simplifies the story, since it removes the element of a paternity suit and the need to make arrangements for the care of the child. Indeed, had the dead infant remained buried as it was supposed to have, there would have been no cause for the story to have been made public at all and no legal record for historians to ponder centuries later. Ann Manning's decision to force Zipporah from her household was the common response to a servant's sexual misbehavior. Her plan to sell a free woman into slavery in the sugar plantations of the Caribbean is only a more dramatic variation of the same theme and a reflection of the fact that seventeenth-century New Englanders tended to assume that people of color were enslavable in a way that white men and women were not. But this version of events only makes sense if we fail to consider the inquest jury's verdict seriously—in other words, if we fail to consider their contention that the corpse found along the edge of the Mill Pond was both white and murdered.

The jury of inquest made three important claims about the body they examined. First, they found the child to be "timely born." In other words, the child, when it was born, had been in its mother's womb long enough to be fully developed. Zipporah, in part, confirmed this judgment when she noted that the corpse was larger than her own supposedly premature infant. The inquest jury would have had more to go on than simply the corpse's size. Like any responsible midwife dealing with a potentially premature infant, they would have examined the fingernails and toenails to see if they were fully developed. They would have checked the character of the skin—although this would certainly have been more difficult with a corpse, even if it had been dead "not many days"—for evidence of its full development as well as checking for any marks or deformities. Evidently, they found no evidence that the child had failed to develop completely. Second, they determined that the child was "not the child of a negro as we conceive." The determination may have been difficult to make. The body had been dead for at least a couple of days and was probably discolored due to putrefaction. Furthermore, the inquest jury would ordinarily have looked for the other characteristics most early modern Westerners associated with Africans: a flat, wide nose and tightly curled hair—which was, of course, impossible in this case, since they were dealing with a headless corpse. We may infer some degree of certainty on this point, however, by noting that authorities began questioning members of the Parker household before the inquest jury made its final determination. Surely, if they were truly doubtful of the child's racial heritage, they would have been tempted to make their observations fit the "facts" uncovered by those questioning the members of Richard Parker's household. Finally, they found that the corpse's head had been "cut off." While it is tempting to imagine that those viewing the body failed to weigh their words and assumed that a headless corpse must have had its head "cut off" when it was, in fact, more likely that the teeth of scavenging animals were responsible for the decapitation, we should not be so quick to judge. While seventeenth-century New Englanders certainly lacked the benefits of modern forensic science, they were generally familiar with the sight of dead bodies. Given the gravity of what they were charged with doing, surely they distinguished as much as possible between the straight cuts of a knife and the tearing wounds that would have been made by an animal's teeth.

The details of their observations led the inquest jury to conclude that the body before them had been murdered. It is unlikely that they came to this decision lightly. While it is impossible to reproduce their reasoning exactly, the details of their findings allow us to re-create at least the outlines of their thought processes. The child was full term, and while it is possible for a full-term child to die while being delivered, the jury apparently found no signs of trauma consistent with a difficult birth. A child that should have lived was dead. Certainly it was not unusual for young infants to die (for a variety of reasons) in seventeenth-century New England, but the fact that the head of this particular infant had been cut off suggested strongly that humans hands, rather than mysterious illness, had been the cause of death in the corpse laid before them.

In retrospect, it seems likely that the headless, white, murdered baby was Zipporah's. There is no evidence that the Mill Pond was a particularly popular spot for disposing of corpses, and infanticide does not appear to have been a common crime in Massachusetts. A search was made for a second corpse, but none was found. What was found was a linen cloth similar to the one in which Ann Parker admitted to wrapping Zipporah's baby. Zipporah told the court that this recovered rag was not what had been used to enshroud her baby but was instead a covering that had fallen from her own body as she stood digging by the water.[88] There was not enough legal evidence to convict Zipporah of infanticide, but it strains credulity to believe that more than one infant had been secretly buried in Richard Parker's field along the Mill Pond in October of 1663. And if the corpse found by the pond had once been Zipporah's baby, then the tale orchestrated by Ann Parker and Ann Manning starts to fall apart.

A white infant delivered by a black woman precludes the possibility that Jethro, William Hudson's black slave, was the father. The reluctance of the town's midwives to attend this delivery may also suggest that common gossip had already settled on the child's probable father. This would have been particularly true for Elizabeth Makepeace. She was related to Elizabeth Mellows, the Parker family's white servant, and might easily have heard tales about the disorders in the Parker household from her niece. While it is possible that any of the thousands of sexually able white men in the Boston area might have impregnated Zipporah, the reluctance of the midwives to oversee this birth, the apparent unwilling-

ness of both Ann Parker and Ann Manning to recognize Zipporah's pregnancy, and then their willingness to cover it up, as well as the decapitation of the corpse (which would have helped to obscure the infant's parentage), all point to the likelihood that they suspected that a member of the Parker/Manning family was Zipporah's partner.

If that was the case, there were very few possible fathers for Zipporah's baby. Neither Ann Parker nor Ann Manning had teenage or adult sons living at home, although both had living husbands who might have seduced or forced themselves on a servant.[89] Richard Parker or John Manning might have been the child's father, but other evidence points to a more likely candidate: Richard Parker's nephew Jonathan.[90] Richard Parker's brother, Nicholas, had immigrated to Massachusetts in the early 1630s. By 1663, Nicholas Parker had returned to England, died, and left his son, Jonathan, living in Boston. Jonathan was unmarried and so unable to set up his own household. The fact that Richard Parker stood as the principal surety on the two bonds Jonathan Parker was required to post during his time in New England suggests that Jonathan was living in the Parker/Manning household in a quasi-filial relationship.[91]

By the time Zipporah became pregnant, Jonathan Parker had already caused his family plenty of trouble. On the night of 5 December 1662, he had entered the lodging rooms owned by William Hudson and rented by the Richardson family. His reasons for doing so are not entirely clear. Jonathan claimed, variously, that he was trying to find a man with whom he was supposed to travel the next day, with whom he was trying to make an agreement about the price of some oysters, and (or?) whom he planned to ask to take a letter and memento to his sister in Barbados. Or, perhaps, it was that he heard evidence of a burglar in the house.[92] He claimed to have entered through an open door to the street. One witness in the house claimed that his clothes were so dirty that he must have come in through the window. She also claimed to have seen Jonathan, after she charged him with climbing in a window, turn the key and push open the outside door.[93] What is clear is that once he was in the house, he began groping along a bed and placed his hand squarely on the face of Mistress Hannah Richardson.

Initially, the Richardsons and Hudsons appear to have taken Jonathan's claim seriously that there was a burglar in the house. Hannah Richardson

sent her maid to the Hudsons' quarters for a light. The maid returned with nineteen-year-old Mary Hudson and another woman, Rebecca Irons, in tow.[94] The fact that the young women did not return with an adult man to help them search the house for a burglar would seem to suggest that they either believed Jonathan Parker and trusted him to help with the search, or that they doubted his story from the beginning. Either way, the women do not appear to have felt threatened by Parker himself. William Hudson's wife appears to have believed Jonathan Parker's story about the thief, at least at first. The following day, Jonathan Parker evidently found someone willing to say he had been in the Richardson's lodging rooms. Mrs. Hudson called Jonathan a blessing from God and sent for "a pint of the best wine in the house" in gratitude.[95]

Within a week, however, attitudes had changed, and William Hudson signed a bond to prosecute Jonathan Parker at the next county court for entering his house through a window and putting his hand on Hannah Richardson while she was in bed. This would have been a civil case of trespass.[96] Because not all the records of this case have survived, what happened next is unclear. By late February of 1663, the case had moved from the county court to the Court of Assistants, and Jonathan Parker had been convicted of burglary.[97] Since burglary was a felony, and the county court was not authorized to try felonies, the burglary conviction almost certainly came from the Court of Assistants. Whether the judges on the county court's bench saw fit to charge Jonathan with a more serious crime and move his case to the superior court after hearing the evidence, or William Hudson decided to bring an actual complaint of burglary, is unclear. It is even possible that Jonathan was convicted of trespass at the county court level, appealed his case to the Court of Assistants, and found himself convicted of burglary that way. Whichever way it happened, Jonathan Parker's problem had increased dramatically by the end of February.

The burglary charge itself is odd. As Jonathan's reasons of appeal make clear, no one had accused him of actually trying to steal anything. Certainly, all his supposed reasons for being in the house were flimsy, and his excuses can probably be disregarded. Jonathan Parker entered the house around midnight; it is hard to believe that the next day's trip, the price of oysters, or even a letter to his sister were such pressing con-

cerns that they could not have awaited a more seasonable hour. As Jonathan himself put it, however, "If this evill act of mine wase of the nature of Burgelary, the House Broken up, then ther woold be some unmaskeable Sighne of it left behind wch in this case I hope apereeth not."[98] By late February, Jonathan's defense, ironically, turned on the argument that there had never been a burglar in the house at all.

The one thing everyone involved in the case agreed upon did not point to burglary, although it was a serious enough offense in itself. Jonathan admitted that, after entering Hannah Richardson's rooms, he had groped around on a bed in the dark. It would have been an unwise action for someone looking for an object to steal, but it is perfectly in keeping with someone looking for a bedfellow. Jonathan may have been looking for Zipporah. It was not unusual for masters to lend or hire out servants to neighbors, but there is no evidence that Zipporah was or should have been in the house. It is just as likely that Jonathan was looking for the Richardson's maid or any other woman who might have made a reasonably willing sexual partner. William Hudson would have had cause to take this sort of behavior quite seriously. A tavern keeper who could not keep a philandering neighbor out of his lodging rooms could not expect to do much business.

Jonathan Parker's midnight errand suggests that chastity was probably not high on his list of favorite virtues, which would strengthen the case that he was, in fact, the father of Zipporah's child. Ironically, a piece of evidence Ann Parker submitted to Zipporah's jury of inquest, probably in an attempt to exculpate Jonathan, renders his guilt more likely in historical hindsight. Parker provided few reasons for why she believed that Zipporah's child was premature, but she was, nonetheless, very specific about *how* premature she thought the child was: six weeks.[99] The inquest jury later recorded the women's finding at six to eight weeks.[100] If Zipporah had given birth to a full-term child, she would have conceived in late January. If the birth was six to eight weeks premature, then she would have conceived correspondingly later: in mid to late March. And by that point Jonathan Parker was nowhere to be found.

In late February, Jonathan penned his reasons of appeal for the Court of Assistants sitting in early March. He evidently made that court

date, because an undated petition from him survives, asking to have his sentence respited until he could appeal to the General Court. The bond to assure his appearance at that court was hefty. He, his uncle, cousin, and brother-in-law pledged one hundred pounds each to ensure that he would indeed appear.[101] But by June, as his court date approached, Jonathan's sureties revealed that the young man had absconded, and Richard Parker appealed to the General Court to be released from his bond. On June 7, the General Court gave him until October to find his nephew.[102] On June 12, Richard Parker and the other sureties persuaded the General Court to reduce their (now forfeited) bonds to forty pounds and to nullify Jonathan's sentence.[103] Forty pounds was not one hundred pounds, of course, but it was still quite a substantial sum of money. Might Jonathan have been persuaded to return if he learned that his sentence had been nullified? Might his sureties then recoup some of their losses?[104] Probably not, if Jonathan Parker could expect to be found the father of Zipporah's child. If, as seems likely, Jonathan Parker had absconded shortly after his second conviction before the Court of Assistants in March, his aunt could use his crime in absconding from justice to alibi him for a paternity charge.

Certainly, the penalty for fathering a bastard child was far less serious than Jonathan's probable sentence for burglary, but his family may have believed that it was enough to discourage him from returning even after his sentence for burglary had been nullified. Although the court's sentence does not survive, under Massachusetts law, first offenders convicted of burglary could expect to be branded on the forehead. Under most circumstances, the greatest risk run by a man fathering a bastard was a bond, followed by child-support payments. Jonathan Parker would not, however, have been the only man to refuse to return home to face such a charge. In 1669, Christopher Grant was accused of fathering Sarah Crouch's child. File papers strongly suggest that he was convicted of the crime of fornication, required to pay child support, and sentenced to jail and corporal punishment.[105] His crime was exacerbated by the fact that Sarah Crouch was betrothed to another man and by the fact that Grant also propositioned Sarah's sister. Christopher Grant's case included exceptional circumstances, but then so did Jonathan Parker's. Parker had already been convicted of burglary, absconded from justice,

and his possible sexual partner was the subject of a murder investigation. Fear of once again coming under the court's displeasure might indeed have been enough to keep him out of Boston.

This telling of Zipporah's story would not hold up in court, of course, either now or in 1663. But, as Alfred Young has pointed out, if historians restricted themselves to a jury's standard of evidence, we would have precious few tales to tell.[106] If we accept that the child found by the Mill Pond was Zipporah's and that the jury of inquest's judgment that the child was white, full term, and murdered was correct, then several disturbing possibilities become strong probabilities. As will be clear in the next chapter, servants were particularly vulnerable to the lusts of their master's families and disproportionately likely to bear bastards. This is interesting for what it tells us about relationships between masters and servants, but it is not wholly surprising. What Zipporah's story suggests is that at least one mistress was willing to commit murder to cover up her servant's fornication and to protect both her nephew from a paternity charge and her husband from financial loss. The chamber in the Parker household that in the first telling held an unfeeling mistress who sent her newly delivered servant to bury her stillborn child in an unmarked grave and planned to sell her into slavery now holds at least one woman willing to do murder. We might imagine Ann Parker or Ann Manning taking a living child and placing a pillow over its face until it stopped breathing, since, surely, suffocation (rather than decapitation) would have been the easiest method. Removing the child's head may also have served the dual purpose of both obscuring its paternity and hiding the signs of violence attendant on suffocation or strangling. There is probably not much Zipporah could have done to bring any of the women to justice. She lacked her own network of family support. Her parents, Richard and Grace, had once been owned by Robert Keayne of Boston, but her father had died by the time Keayne had written his will ten years earlier, and it seems likely, given the absence of any mention of Grace, that she was dead as well by 1663.[107] Richard and Grace's own isolation was reflected in the name they gave their daughter. The biblical Zipporah was Moses's wife, whom Moses married while exiled from Egypt. When the couple bore a son they named him Gershom, "for he [Moses] said, I have been a stranger in a strange land."[108] There was a brief moment when

the midwife, at least, might have said something, but she did not. By the time Ann Parker and Ann Manning were admonished before their church for hiding Zipporah's pregnancy, mother and daughter, as well as Sibella Sands and Zipporah herself, were all guilty of capital crimes under Massachusetts law. One was a murderer, and three were accessories.

The fate of Zipporah's baby was not a common one. There is no evidence to suggest that masters or mistresses routinely murdered their servants' bastard children. Nor did pregnant servants usually find themselves in danger of being sold into slavery in the sugar islands of the Caribbean, although they might, like Zipporah, find themselves languishing in jail for lack of someone willing to post bond. In this sense, the case of Zipporah's headless baby is a lot like Elizabeth Pierce's rape case. The lengths to which Ann Manning and Ann Parker went to protect their family's reputation and finances may have been extraordinary, but their impulses to protect the reputation of their nephew/cousin and to rid their households of an inconveniently pregnant servant were not. The next chapter traces the more common fates of servants and slaves who found themselves before the courts because of their sexual behavior. Although no one accused any of these men and women of feeding bastards to pigs, threatened to ship them off to Barbados, or ordered them to bury decapitated corpses in secret, the parallels to the stories of Marea and Zipporah make clear both the common motivations of masters and mistresses and the dangers of living in seventeenth-century Massachusetts without the support and protection of a concerned family.

CHAPTER 7

Traitors, Rebels, and Slaves

Children and servants, parents and masters. The phrases flowed easily from the pens of both ministers and legislators in late seventeenth-century New England. "Children and Servants, do behave themselves disobediently and disorderly toward their Parents, Masters and Governours," read a 1672 law, and so needed to be taken in hand by the civil authorities.[1] If the education of children was too often neglected, it was the fault of "Parents and Masters" who were "too indulgent and negligent of their duty in that kind," and the law needed to compel those authorities to fulfill their obligations.[2] "Children & Servants that are not kept in due subjection," proclaimed Increase Mather, are the reason God is pouring his judgments out on New England.[3] "*What* Shame *and* Confusion of face *will Cover us, when we shall meet our Children and Servants, before the Great Judge of the Quick and the Dead,*" warned Deodat Lawson, if those dependants had "*lost their* SOULS, *by means of our Neglect of Duty towards them!*"[4] Children and servants. The two were mentioned so often in the same breath, it is almost as if New Englanders failed to distinguish between the two groups. Indeed, those reading sermons or attending Sunday services were likely to hear that "*Masters* indeed should be *Fathers* unto their *Servants.*"[5] "But let it be Remembred," wrote Cotton Mather, "That our *Servants* are in some sort likewise

our *Children*." Mather also counseled servants to "Remember, O Servants, thy *Master* is thy *Father,* and thy *Mistress,* is thy *Mother.*"[6] The implications have not been lost on historians. John Demos, writing of seventeenth-century Plymouth Colony, concluded, "the prevalent assumptions about family life made little distinction between a natural child and a servant of about the same age. For most purposes, especially at the level of everyday care and supervision, the master would perform as a surrogate parent."[7]

And, yet, even in the sermon literature that counseled masters to feed, clothe, educate, and discipline their servants as they would their own children, and commanded servants to obey their masters as if they were their fathers, there are clues that families made important distinctions between natural and "surrogate" children. When Deodat Lawson advised parents and masters to care for the souls of their dependents, he assumed that "Natural Affection" would lead parents to take care of their children's physical needs. Masters would do the same, but their motivation was their "own Worldly interest" because healthy servants "may Serve us the better."[8] Ties of affection bound children to families in ways that did not necessarily apply to servants. Samuel Willard instructed masters to "love their servants."[9] No one had to instruct parents to love their children. Ministers not only assumed that parents would value the good of their natural children over the well-being of their servants—they instructed them to do so. Cotton Mather counseled parents, "Altho' you are never so much and never so long *Exasperated*" by disobedient and ungodly children, "do not utterly *Cast them off.*"[10] Children required discipline, but their failings should be met time and again with a mixture of reproof and compassion. Servants, on the other hand, were expendable when their morals compromised a family's integrity. Lawson commanded masters who found their servants "Unreduceable to Religious Order and Government" to rid their "Hands and Families of them."[11] Cotton Mather warned, "do not Choose to Harbour in your Houses a *Traitor* and a *Rebel* against the God of Heaven."[12] Mather recommended the same solution to the problem of unruly servants as had Lawson: "*Masters,* If they will not *Obey* you in *those* things [acts of righteousness], *Turn them out of Doors.*"[13]

Masters did have a responsibility to provide physical care and supervision in ways similar to parents. Masters and mistresses were in some ways like parents, but they were not parents. It is not that children and servants were the same, but that they occupied a similar place in the hierarchy of the family. The image of master as father was a metaphor that communicated important messages about power, deference, and responsibility. Masters were parents in the same sense that teachers, ministers, or magistrates were parents. As Cotton Mather put it, "There are *Parents* in the *Common-Wealth,* as well as in the *Family;* There are *Parents* in the *Church,* and *Parents* in the *School,* as well as in the *Common-Wealth.*" It was in this context that Mather commanded, "Remember, O Servants, thy *Master* is thy *Father,* and thy *Mistress,* is thy *Mother.*"[14]

In Mather's mind at least, the place of slaves in the household was quite different from that of servants. Mather devoted a few pages at the end of his sermon *A Good Master Well Served* to exhort slaves to be obedient to their masters. Conspicuously absent in this address is the metaphor of fathers and children. Mather assumed that both the abilities of slaves (whom he assumed were all black) and their quality of life were considerably lower than that of white servants. Mather exhorted the masters of white servants to treat their servants in such a way "that in Time they may come to be *Masters.*" Slaves, of course, could expect no such future, and Mather seems not to have believed that they were capable of being masters of themselves, much less of directing children and servants as heads of household. "You are better *Fed* & better *Clothed,* & better *Managed* by far, than you would be if you were your *Own men,*" Mather told them. Yet Mather did not seem to expect a slave's standard of food, clothing, or management to be particularly high. In the course of promising them a heavenly meal, Mather described slaves as being "Fed among the *Dogs,* with the *Orts* of our Tables." "Do you meet with *Hunger* here?" he asked. "Does the *Heat* Oppress you here?" "Does the *Cold* afflict you here?" "Do you here sometimes want your *Sleep?* "Are you *Beaten* here?"[15] In his address to white servants, Mather admitted that servants might be harshly treated, but he attributed hard treatment to a bad master (who must nonetheless be served diligently). Hunger, cold, sleeplessness, and beatings, however, appear simply as the lot of a slave's life. Lacking the ability to change masters or the prospects of

eventual freedom, the best slaves could hope for was better treatment in the next life. Absent in Mather's remarks was the idea that a slave's capacities entitled him to any more than that. Indeed, perhaps most telling was Mather's final remark: "*Masters,* These poor *Negroes* will hardly mind what I say; I pray, do you *Repeat* it unto them."[16] Mather had attributed to servants the vice of romance reading. He was unwilling to attribute to slaves the capacity even to listen.

In practice, the relationship between servants and slaves and their families of employment varied widely. We have already seen the difference between Sylvannus Warro's relationship to his first master, Daniel Gookin, and last, Jonathan Wade. Relationships between servants and their employers' families ranged from the quasi-filial to violent, from friendly to abusive. Katharine Naylor had two servants when she divorced her husband in 1672. Naylor enjoyed a close relationship with the first, Mary Jackson. Jackson not only supplied testimony that helped her mistress obtain her divorce, but she also provided emotional support in a trying time. Mary Jackson's testimony was filled with tales of a lustful and drunken master, but it also gives us insight into her relationship with Katharine Naylor. After Jackson's master had picked a quarrel with her one afternoon, Jackson "Swore I should not stay one day longer in the howse." Katharine was troubled and replied, "Mary it is so grevious to me I had as good have my life taken from me it cuts me to the heart." "I am not able to live this life," Mary stated. "If you can not indure it a moment," asked Katharine, "how shal i indure it al my life?" In pity, Mary stayed on.[17] Katharine had a second servant, Mary Read, who slept with Katharine's husband and tried to poison her.[18] Hannah Brackett described her master as "a father unto me" and one "who confided in me after the death of my pious Mrs as a guide in his family."[19] Mary Ball identified the role of master as "such an one I expected rather good councell from." Instead, her master seduced and impregnated her.[20] Elizabeth Dickerman claimed that both her master and his son sexually abused her every time her mistress left the house.[21] Sarah Crouch, who stayed out late at night and consorted with strange men behind closed doors, was "a trouble" to her master.[22] Two of William Healy's servants were a trial to him but may have been the answer to his wife's prayers. They entered a complaint against him for spousal abuse.[23]

Among the varied relationships between servants and the families in which they worked, one pattern remained constant. Masters and mistresses (so long as they were not the ones sexually involved with their servants) as well as their extended families took it upon themselves to supervise their servants' sexual behavior. They monitored courtships and instances of sexual abuse, and tried to protect their servants. In other words, they acted in many ways like parents. What was missing in the relationship between masters/mistresses and servants was commitment. When servants got into trouble and found themselves before the courts, masters and mistresses washed their hands of their suddenly expendable surrogate children. Young men and women living with their own families could usually expect hasty marriages; unwed mothers, whose families failed to negotiate a marriage, usually continued to live at home caring for their children with the assistance of their own parents. Those living with their own parents were often shielded from the judicial consequences of their actions when parents paid their children's fines or begged for clemency. Despite the fact that the courts did not single out servants for special punishment, the practical consequences of sexual misbehavior were much harsher for those living without kin nearby. Servants, particularly female ones, could expect to find themselves both jobless and homeless.[24] Most probably spent time in jail because they had no one to post bond for them. Many could expect to be forcibly separated from their children, and what evidence we have suggests that those children received inadequate care. Some servants, of course, were more trouble than others, and some masters and mistresses were better family governors than their neighbors. Elizabeth Wells and Mary Reeves, for example, had very different relationships with their families of employment, but both found themselves out in the cold once their bellies began to swell.

The Tufts family probably found that their servant, Elizabeth Wells, fell into the more-trouble category even before they discovered she was pregnant. Elizabeth appears to have emigrated from England alone. If the stories she told about herself are to be believed, she left after bearing her fifth bastard child. She buried the first four, presumably after killing them. The last was two years old when she left him in her bed "& came away upp to London with her breasts full of milk to come to

New-England." Or so she said. Perhaps she fled to New England to escape rumors about her sexual exploits. More likely, her father, who appears in her stories as a ineffectual fool, sent her in the hopes that a small community and more rigorous Puritan government would provide the check on her behavior that he been unable to effect.

Once she arrived in New England, Elizabeth delighted in telling tales of her supposed sexual exploits to her master's teenage servants, fourteen-year-old daughter, and her friends. It is easy to imagine her audience, in their teens and early twenties, listening open-mouthed to tales of a woman who lied about the identity of her bastard's father, confident that neither God nor the suspicious midwife could force her to tell the truth. Elizabeth told them that she had once guarded the door while "a man was naugy with thre or foure maids" and that "if her father had not called her away she had been the fifth." Another story concerned the night Elizabeth's father locked her and a female friend in her bedchamber, having failed to realize that three men were already secreted in the room. Once the group had had their fun, Elizabeth cut the cord on her bed and cast it out the window to let the young men down. When her father heard the men and called out demanding to know the cause of the noise they were making, Elizabeth told him that her bed cord had broken and that she and her friend had almost broken their necks. Her harassed father called back "peace Beth huld thy Tongue Ile buy another to morrow." The men gone and the destroyed bed cord explained in one fell swoop, Elizabeth "& the maid lay & laught how she had Couzened her father." Many of the tales with which Elizabeth regaled the group were doubtless quite tall. Since she was probably in her early twenties, it is just possible that Elizabeth had given birth to five children, but it is extremely unlikely.[25] Her mistress's mother complained that Elizabeth was "horabelly [horribly] adicted unto lying."[26] She was also, needless to say, a very bad example for the young folks in her master's family.

Elizabeth's mistress, Mary Tufts, had reason to suspect that reformation was not in Elizabeth's future. If the tales Mistress Tufts and her daughter, also Mary, told had any truth to them, then Elizabeth Wells spent a lot of time after her arrival in Massachusetts contemplating how to circumvent the laws relating to unwed pregnancies. In 1669, when a

visiting neighbor turned the family's conversation to the "new Law made Conserning bastards that If aney man wear acused with a bastard and that woman which had acused him did stand content [unchanging] in her labor that he should bee the reputed father of it and should mayntaine it," Elizabeth was only too quick to express her opinion. "If shee should bee with child shee would bee sure to lay it unto won who was well enough abell to mayntayne it wheather it wear his or no," she commented.[27] Nor was Elizabeth content to leave it there. When her mistress and the woman's daughter were discussing a young woman who failed to remain constant in her accusation—"first accused on[e] with it and then another and then afterward did clear them and layed it unto a third"—Elizabeth was once again quick to chime in, calling the young woman "a foole." When her mistress objected that the pregnant woman had wronged the first two men, Elizabeth replied "that is nothing If I weare with child him that I had first layed it on to should bare it wheather ever hee had had anithing to doe with mee or no." After all, magistrates were loath to believe a woman who failed to remain constant in her accusation. "[T]hearefore him that I did wonc [once] charg with it," she concluded, "I would ever hould unto it untill I died allthough he had never Come neare me."[28] Elizabeth's words would come back to haunt her.

Elizabeth's master and mistress, Mary and Peter Tufts, were not the most effective of household governors. Mary Tufts's mother, Elizabeth Pierce, would later tell the court that she had been woken up by someone coming into and out of the house many times in the winter of 1668–1669. Although she tried to get her son-in-law to investigate the noises, she found him "weary and willing to sleep and thereby not being so sencibele of any dissturbance in the hous." Mistress Pierce thought him "very Careles," but after calling for him to no avail on several occasions, she finally gave up. Mistress Mary Tufts could not have been completely oblivious of her servant's shenanigans. When her mother told her of hearing noises in the night, Mary mentioned it to her servant Elizabeth. Elizabeth "laught and sayd indeed I should have laughed to see the owld woman Com hobling out."[29] Elizabeth's response should have led her mistress to at least suspect that her servant was the one entertaining callers after the rest of the household was in bed. Combined

with Elizabeth's comments about the best way to name reputed fathers for bastard children, Mary Tufts should have been worried.

Sometime early in 1669, Elizabeth's mistress and her mother began to strongly suspect that Elizabeth was pregnant. Although the two women questioned her several times, Elizabeth consistently denied their charge, claiming that she had "had been so Bigg for two years togethr in England." After a month of questioning and suspicion, Mary Tufts's daughter Mary witnessed something that indicated that Elizabeth knew she was pregnant. As the young Mary watched, Elizabeth took a long drink and then raced out the door and vomited. Mary inquired, and Elizabeth admitted, "I have drinke some of this savon & it mak me so sick I know not wt to doe." But Elizabeth returned to her mixture of beer and savin again and again, trying to keep the abortifacient down.[30] Young Mary knew what savin was used for; Elizabeth had already told her about a time in England when she had given a pregnant woman a "drink of savin." That time the drug had done its work, for the woman "was litle againe quickly."[31] Elizabeth begged Mary not to tell her fellow servant, Elizabeth Jeffs, that she was trying to induce her own abortion. Mary appears to have told her mother and grandmother instead. The following day Mistress Mary Tufts and her mother Elizabeth Pierce again questioned Elizabeth. This time they threatened to take her urine to a local doctor for a pregnancy test, and Elizabeth confessed.[32]

Elizabeth claimed that the father of her child was one of the older Tufts sons, James. According to her testimony, James had twice forced himself on her and had gotten her pregnant.[33] Luckily for the Tufts family, the younger Mary Tufts and the other servants provided a different name for the baby's father. They had observed Andrew Robinson, one of their neighbor's servants, courting Elizabeth during the period when Elizabeth conceived. Indeed, when Mistress Mary Tufts testified that James and Elizabeth had not even been working in the same place on the day Elizabeth claimed the rape had occurred, the younger Mary Tufts testified that on that particular day Elizabeth had returned to the house in high spirits. She had confided to the teenager that Andrew Robinson had brought her flowers and that they had had "a deall of dicours." When young Mary asked about the "discours," Elizabeth had replied coyly, "I must not tell garles."[34] The group that had once sat and listened

to Elizabeth's tales became witnesses against her as they repeated her stories and told what they had seen between Elizabeth Wells and Andrew Robinson.

Mary and Peter Tufts had done a poor job of keeping an eye on Elizabeth, but when she named their son as the father of her child, they quickly made up for their neglect. Although neither Mary nor Peter could testify directly about the courtship between Elizabeth and Andrew Robinson, they reported him to Authority.[35] Andrew Robinson was officially questioned about his relationship with Elizabeth, and he denied having sex with her. Two depositions were entered into the record charging that Andrew Robinson had sneaked out of the house repeatedly at night and that he had propositioned women other than Elizabeth Wells.[36] Since Elizabeth herself never accused Robinson of being the father of her child, he was not named its reputed father, but the testimony cast doubt on Elizabeth's accusation that her master's son had impregnated her. Peter Tufts countered rumors that his son had attempted to force himself on another young woman by bringing three men to hear the woman's story. Although the story the young woman and her brothers told about the time James chased her into the lean-to and threw her down on a bed until she called out to her brothers was not particularly flattering, the young woman did specify that James "did not offer to force her nor offer her any abuse."[37]

Ordinarily, it was extremely difficult for a man charged with fathering a bastard to escape civil responsibility, so long as the child's mother consistently accused him, but the Tufts family managed to protect James from Elizabeth's charge. Since Elizabeth gave specific dates for her encounters with James, the Tufts family was able to provide him with alibis. They reported Andrew Robinson in order to cast doubt on the child's paternity, and they did what they could to squelch rumors that their son had assaulted another woman. Elizabeth, of course, did not help her own case by speculating openly that if she was pregnant she would "bee sure to lay it unto won who was well enough abell to mayntayne it wheather it wear his or no," especially since she must have known she was pregnant at the time. Nor would her wild tales about her sexual escapades in England have made her a sympathetic figure before the New England courts. It is even possible that Andrew Robinson was in fact the father of her child; but it is

also possible that James Tufts assumed that a woman who told lurid stories was sexually available. What we do know is that James Tufts returned home, and Elizabeth Wells ended up in jail.

Unlike Elizabeth Wells, Mary Reeves appears to have had a close relationship with her master's family. That relationship did not save her, however, when she became pregnant in the fall of 1663. A servant in John Alcock's household, Mary looked forward to marriage with a wealthy man. She was without family in New England, and an advantageous marriage would have been Mary's only real chance for upward mobility. Ezekiel Gardiner was the man who could turn Mary from a servant to a mistress with only a few words. Although she was surely not the only young servant in the neighborhood—or even the household—dreaming of marriage and a household of her own, Mary, unlike Elizabeth Wells, chose not to confide in her fellow servants. When fifteen-year-old Judith Thurston was later called to testify about the relationship between Mary and Ezekiel, she could say only that the pair had been "In private" together on four separate occasions. Each time they were together for at least an hour—"& more in the chamber," where Judith had seen Gardiner "wth his Arme claspt about mary Reves midle."[38] John Alcock's third servant, Edward Pead, knew even less, testifying only that he knew the couple had been in the garden together.[39] Leaving her fellow servants to speculate, Mary Reeves chose to confide instead in her master's cousin, Elizabeth Chandler.[40] Sitting in her master's barn, Mary told Elizabeth tales of how Ezekiel "had come severall times to her & that they ware all most sure together" with "many other words." But Elizabeth, a little older and a lot wiser, was troubled. As she recalled, "I wished her to be very carefull what she did."[41]

Elizabeth was right to worry. She may simply have doubted that a rich gentleman intended to marry her cousin's servant, or she may have known Ezekiel Gardiner's reputation. Ezekiel Gardiner was known by many as a man of loose sexual morals. He courted and discarded women lightly. Shortly before his encounter with Mary Reeves, Gardiner had been seeing Ruth Edy, but on the occasion of a "falling out wth Ruth Edy" one man heard him say "that if she would beg him on hir knees he would not have her." He then "went a wooing" another woman. Tiring of this one, he played with Mary Reeves and yet an-

other woman before he "at last Renewed his suit & would have marry ed with sd Edy."[42] Gardiner's landlord complained that he "did usually sing very baudy songs in his shop after Admonition such as was not meete for any . . . chast Eares to heure" and assaulted both the landlord's wife and another boarder living in his home.[43] The boarder complained to her landlord and his wife, but when the couple confronted Gardiner, he laughed at their accusations and "boasted that he had made a foole of twenty maids as she."[44]

Elizabeth Chandler and her husband, John, tried to prevent Mary Reeves from becoming fool number twenty-one. A few days after Elizabeth talked with Mary, John visited the Alcock household and also spoke with the young servant woman; Mary was still bubbling with dreams of her upcoming nuptials. John cautiously congratulated her, saying "that that was well for her if she coulld get such a rich man as he was." But John, like his wife, was skeptical. Upon meeting up with Ezekiel Gardiner in his stepfather's tavern, John decided that the time was ripe to put a few questions to the man, and so John "calld him aside and asked him whether he was to have Mary reaves or no." The case was as John had feared. "[N]o not I," Gardiner replied, "why Doe you ask me"? John related to him the conversation he had had with Reeves, and Gardiner replied "that he never spoke such a word to her" and asked John "whether I thought he was made to have such a one as she was." John admitted that he, like his wife before him, had "wondered at it."[45]

When John returned to the Alcock household to tell Mary that Ezekiel Gardner had denied proposing to her, Mary quickly comprehended the problem and told John "that she was afraide that he [Gardiner] woulld decive her becaues she coulld not prove" that he had made promises in private.[46] Mary later returned to the Chandler household to share with Elizabeth the ill news "that Ezekell Gardner had deceved her and denied all that he had said to her." There she found John's business partner, John Huntley, in the house. Elizabeth recalled that Mary "desired me to ask him what she coulde doe in the case."[47] John Huntley's answer was not encouraging. He told her "that if she have aney wittnes that he [Gardiner] ccame to hir about aney such intent as to mak hir his wife and now desered it she might have the Lawe of him." Mary, perhaps seeing the

hopelessness of her case, responded "that if she could gett five pound of him she Did not care." But, John Huntley told her, "without wittness she could Doe nothin." He cautioned her that he hoped Ezekiel "had nothin to doe wth you and that you ar not with child by him." Mary gave the standard seventeenth-century response: "she did not know [whether] he was man or woman."[48] She may not yet have realized that she was pregnant.

Mary made one last desperate attempt to salvage her engagement and again enlisted the Chandlers' help. John recalled that "Mary desired me to get Ezekell to my house and to send for her that she might spak to him and so have some witness of it."[49] The meeting did take place, but it lacked the denouement Mary had originally planned. A few days later, Ezekiel Gardiner visited the tavern owned by John Chandler's stepfather. The witnesses were in place. All that remained was for Mary to elicit a reiteration of Ezekiel's promise. Perhaps Mary lost her nerve at the last moment or feared that Ezekiel would deny her in public. Perhaps Ezekiel caught wind of the scheme and threatened Mary in private, for when Mary met Ezekiel in the tavern, far from tricking him into making his promises before witnesses, she "freely acquited him & wished him much Joy in all his procedings," claiming that she had had "nothing to doe with Ezkill Gardner nor he with her." True, she had once thought that he would make her his wife, but, as she explained, she now understood "that he had Spoken somethinge to her which she had thoughte he had ben in Ernest but that proved to be in Jest & She was Glad of it."[50] In what was almost certainly intended as a gesture of goodwill, Mary requested Ezekiel to deliver a letter to her brother in England. Ezekiel Gardiner, in turn, "Called for a pinte of wine & dranke to her & she to him againe." To all appearances, the pair "parted lovingly."[51]

From Ezekiel Gardiner's perspective, the incident ended well. Mary Reeves publicly renounced all claim on him, explained any gossip as a simple misunderstanding, and left Gardiner free to do as he would. Gardiner resumed his courtship of the wealthy Ruth Edy—presumably she did not have to "beg him on hir knees"—and eventually married the woman.[52] Mary Reeves did not come to so rosy an end. Her brother and probably the rest of her family were in England. In the early stages of the affair, her master's family was willing to fill the void. Her master's cous-

ins listened to her tale, consulted with her supposed fiancé, and even participated in the rather clumsy attempt to draw a public declaration from him. John Chandler's business partner gave Mary legal advice. Although by the time Mary attempted to sue Ezekiel in November of 1663 her pregnancy was probably common knowledge, no deposition addresses directly either Mary's pregnancy or her master's reaction to it. Yet John Huntley and Elizabeth Chandler's depositions both begin with a similar telling phrase: "not Long before marey Reves went away from mr Alsocks." Alone, unemployed, and pregnant, Mary Reeves may not have told wild tales or accused a member of her master's household, as Elizabeth Wells had, but the outcome was the same for her in the end.

Although it is counterintuitive, slaves usually faced the courts in a better position than did free servants. Masters often rid themselves of troublesome servants; they rarely posted bond or petitioned the courts in their behalf. Slaves, however, were more securely tied to their families of employment, and slaves' masters and mistresses were much more likely to intercede with the courts on their behalf. Daniel Warro continued to reside with the Gookin family long after he was accused of fathering a bastard child. He was not the only one. When Timothy Prout's servant, Margaret Priest, and his slave, Philip, were convicted of committing fornication together, each was sentenced to either pay a fine or suffer corporal punishment. Prout chose to pay his slave's fine, and petitioned the court to abate half the amount. He made no mention at all of his servant's sentence.[53] Peter Towne submitted two petitions on behalf of his slave, Jane, who was convicted of committing fornication with Towne's white servant in 1678. In the first, Towne requested the court to abate part of his slave's fine. When the justices complied, Towne had the temerity to ask the court to forgive him the rest. The court had sentenced Jane either to a fine or corporal punishment. Towne explained that he had chosen to pay the fine (which he then attempted to avoid paying) because she was "otherwise a good servant" and was "very weak by reason of sore travail in child birth." The fault was not really Jane's, Peter Towne explained—she had been "enticed" by Ephraim Phillips, "who then lived with me." Since Towne petitioned twice on her behalf, we can assume that she remained in his household. Ephraim Phillips appears in Towne's petition only in the past tense.[54]

Because slaves represented such a hefty financial investment, masters were reluctant to let go of them even when they had been accused of very serious crimes. As we have seen, the French family aided their Indian slave, Marea, when she was hauled before the Court of Assistants on a charge of infanticide. Bastian, slave to Robert Cox, was convicted of rape in 1676 and was one of the few men sentenced to die for that crime in seventeenth-century Massachusetts. Not only had Bastian been convicted of rape, but his victim was Cox's two-year-old daughter. One might have expected Cox to rid his household of the slave as quickly as possible or even to have welcomed his death sentence. Instead, Robert Cox petitioned the Court of Assistants asking that his life be spared. His daughter, he claimed, had recovered and "went About as formerly as if nothing had been done towards her." Cox made no claim of any emotional investment in Bastian. The problem was that Bastian had been expensive (Cox stated that he had "Disburst greatly upon him"), and his death would be a financial loss. The Court of Assistants granted Cox's petition and commuted his sentence to whipping and wearing a noose around his neck as long as he lived in Massachusetts.[55] Thomas Keeny, slave to Francis Wyman, was convicted of the attempted rape of a young girl in 1677.[56] In 1679, Francis Wyman still owned Keeny. He had hired his slave out to a neighboring farmer, but he was still interested in protecting his investment. In that year Wyman sued his neighbor for failing to provide adequate clothing for his slave.[57]

Because masters did not have a substantial financial or emotional investment in their white servants, they usually left them to their own devices when facing the courts. For servants without nearby kinfolk, this often meant a lengthy stay in jail. Very few people in seventeenth-century New England were sentenced to jail as a punishment for crime, but those who were unable to post bond or who the courts thought represented a flight risk were often kept in jail until their court date. It is easy to miss the significance of the hundreds of bonds that dot the records of the Massachusetts courts. Formulaic and initially uninteresting, bonds are one of the most common types of case papers to survive. If we could travel back to the seventeenth century and talk with some of the people who lacked bonds, however, we might quickly come to understand just how important those dull little pieces of paper could be. Bonds were re-

quired on a variety of occasions, and they could be quite expensive. The amount of money posted as a bond usually far exceeded the price of fines or court costs, and families sometimes took big risks to raise them. When John and Ursula Cole posted bond for their daughter, Elizabeth, in 1675, they evidently did not have the twenty pounds the court required. Instead, they signed their house over to the constable on the condition that their daughter would appear for her court date.[58] Usually men and women did not post their bonds alone. Although theirs might be the "principal" name on the bond, anywhere between one and four other people usually acted as "sureties." These sureties posted a lesser amount of money and presumably could be expected to pressure the person bonded to fulfill his or her obligations. Then, as now, the alternative to posting bond was a stay in jail. Those unlucky enough to be remanded to jail for lack of bond were then charged for their food and shelter. Regardless of the outcome of a person's case, that person was not freed until those charges had been paid. The burden could be an onerous one. Sarah Poor, jailed after refusing to name the father of her bastard child, paid with her life.

Sarah Poor was born to John Poor, a mariner, and Sarah Brown Poor, his wife, in Charlestown in April of 1671. Sarah's life was not destined to be an easy one. Her parents had moved from Hampton, New Hampshire, to Charlestown, Massachusetts, in 1662, and they do not appear to have had much family in the area.[59] When Sarah was six years old, her mother died of smallpox. Since John's work would have taken him away from home for long periods, it is likely that Sarah was sent out to service at an early age. By 1682, Sarah was almost certainly working in the home of Stephen Garey. On June 20 of that year, Sarah accused Garey, a thirty-one-year-old married man, of being the father of her bastard child.[60] She was eleven years old. Since the age of consent was ten in Massachusetts Bay, Stephen Garey, presumably, missed being charged with statutory rape by only a few months. It is curious—and exceedingly unfortunate—that no one removed Sarah from the Garey household after her conviction for fornication. Since there is no record stating that the court had ruled Stephen Garey to be the reputed father of Sarah's bastard, perhaps the courts refused to believe the child. Three years later, at the age of fourteen, Sarah found herself once again pregnant. This time she

refused to name the father of her child. When one of the women attending her delivery asked her that all-important question, Sarah replied, "It would doe no good for her nor to them to tell; and It would not pardon her sin to tell whose it were."[61] If the courts had not believed Sarah three years before, why would they believe her now? After her baby was delivered, seventy-five-year-old Martha Collins, an older and more experienced woman, arrived on the scene. Once again, Sarah Poor repeated that "It would doe no good to tell" who the father of her baby was. Martha then asked her, "could you as in the presence of god truly say that the man of the house [(]where she then was) was not the father of her child." Sarah "gave no Answer to the question."[62]

When Sarah appeared in court on July 7, 1685, she still refused to name the father of her child. Or was it children? The entry in the Middlesex County minute book stated that Sarah had been convicted of fornication "she having had two bastards borne of her body successively." It is possible that the first of those two "successive" bastards was the child she had borne three years before in 1682. However, since the justices demanded that Sarah name the father of her "children" (and she had already named Stephen Garey as the father of her child born in 1682), it seems likely that Sarah had had another child who had gone unnoticed for a time by the authorities. For her obstinacy, the Middlesex County Court sentenced Sarah to be whipped "severely," to be imprisoned and kept at hard labor for a year, and to be whipped once a month until she named the father of her children. A month later, Sarah, again, named Stephen Garey. Garey appeared in court, denied the charge, and posted bond. Although Sarah had fulfilled her obligation by naming Garey, she had no one to post her bond or pay her prison expenses. She remained in jail. Two months later, perhaps when her youngest child was thought to be old enough to wean, the Middlesex County Court ordered the Charlestown selectmen to see to the care of Sarah Poor's children. Stephen Garey entered a bond guaranteeing that he would be responsible for paying for the care of Poor's children.[63] Sarah's father may have been at sea during the final round of her troubles, or he may simply have lacked the resources to give bond and pay her prison expenses. When he died in May of 1686, Sarah's chances of ever being freed probably died as well. The final

record of Sarah's life is dated March 6, 1687. On that date the prison keeper requested a reimbursement of one pound, six shillings, for tending Sarah in her illness, and providing a shroud and a grave. Sarah had died in February.[64] Had she lived two more months, she would have been sixteen years old.[65]

Less is known about Mary Lovell's life. In January of 1683 Mary was convicted both of committing fornication with a man named Darly Doy, and of "being lewd & lacivious with Wm Healy keeper of the prison."[66] In the absence of a family member or friend to stand bond for her, Mary had been committed to the prison in Cambridge to await her trial for fornication. Alone, pregnant, and imprisoned in a cold Massachusetts winter, Mary should have been miserable enough. Two depositions, however, make it clear that Mary's inability to procure someone to stand bond left her vulnerable to more than the usual discomforts of prison. The month before Mary's conviction, Deborah Cane testified that she had visited the prison keeper, William Healy. When no one answered her knock on the door, Cane entered, climbed the stairs, and found Healy leaning over Lovell "with his breeches open & body naked." Mary Lovell was not only unclothed but also "neere her time of delivie of a bastard child." Deborah Cane, citing her "great amazement & shame," failed to interrupt the pair, but when she found Mary in the prison yard some time later, Cane confronted her with her sin. Mary told Deborah Cane "shee could not help it." Indeed, she said "that this was not the first time for he done the like more than once before."[67] Cane took her story to Zachariah Hicks of Cambridge. It is not clear from his testimony whether Cane was reporting to him in any official capacity or simply spreading gossip.[68] Hicks confronted the prison keeper, but he, initially, denied the tale. When Hicks later called him before two more witnesses, Healy finally admitted that Deborah Cane's story was true.[69] Healy was removed from his position as keeper of the Cambridge prison. Mary Lovell, despite her claim that "shee could not help it," was convicted of lewd and lascivious practices and sentenced to be whipped with twenty stripes. She was then bound out as a servant to whomever the treasurer of the county could find to pay for her.[70]

Servants were not only more vulnerable to the full fury of the law when they engaged in sexual misbehavior, but they appear also to have

been at a heightened risk for sexual abuse in their masters' families. Although cases of incest were rare, sexual contact does not appear to have been particularly uncommon between servants and members of their employers' families.[71] This sexual contact ranged from the apparently consensual to outright rape. We have already met Elizabeth Wells, Hannah Brackett, Susannah Woodward, and Mary Ball. Brackett claimed that her master's grandson had impregnated her in 1685, but she made no complaint of coercion. Susannah Woodward presented her relationship with her master's son, Thomas Hastings, as both consensual and potentially permanent. She claimed that Thomas had promised to marry her if she conceived. Mary Ball complained that her master had seduced and betrayed her. Although from a modern perspective (and without more information), the power relationship between master and servant makes it difficult to categorize the relationship as completely consensual, there is no indication that Mary thought of their encounters as rape. Mary Mitchelson initially accused her master, Thomas Gardiner, of being the father of her bastard child in 1679. Although she later recanted and named another father, yet she "would not cleere sd Gardner from having too much familiarity wth her." Because Mitchelson did not remain constant in her accusation, neither man was punished.[72] Judith Platts accused her master of "wanton and lascivious carriages towards her." Since only he was charged and since she also complained of his "cruell beating of her," we can probably assume that their interactions were not consensual, despite the fact that she charged him with neither rape nor attempted rape. The court freed Platts from her indenture and required her master to post bond for his good behavior.[73]

In other cases, servants stated that they had been forced to engage in sexual relations, although they did not bring formal complaints of rape or abuse. Martha Beale, of course, insisted quite forcefully that her master's son had raped her, although she was not willing to see him formally charged. Elizabeth Wells, that teller of extraordinary tales, had a somber story when she explained how she came to be pregnant. She said that she and her master's son, James Tufts, were unloading a cart of wheat when he grabbed her. Although she took hold of the cart's beam, he was stronger. He took her by the calves, dragged her to the ground, and held her in place

with his knees. When Elizabeth "desired him to Lett me rise from that place," James refused, and, as Elizabeth put it, "he did take his will of me."[74] Sarah Vinton's situation was more ambiguous. She had been born in Lynn and was orphaned after her family moved to New Haven, Connecticut, where her parents died in 1664.[75] The New Haven court awarded guardianship of her to Purchase Clark, "of the iron-workes at Ling [Lynn]," who sent her to work in the home of Thomas Tower, a Scottish prisoner of war who had worked under Sarah's father at the Hammersmith ironworks, and his wife, Hannah.[76] When Sarah became pregnant in 1680, she charged John Thompson with being the father of her child. Thomas Tower, whom Sarah referred to as "Father Tower," played the part of a parent by calling together the neighbors so that Sarah could make her charge against Thompson publicly.[77] The case went to court with the usual array of friends and relatives testifying on both sides of the aisle, and Thompson was declared the reputed father of Sarah Vinton's child. The verdict may have come as a surprise to Thompson. When the selectmen had questioned Vinton, they asked her if anyone had offered to pay her fine for her if she remained constant in her accusation of John Thompson; Sarah had admitted that this was the case. When they asked her who had done so, she replied that it was "her fath[er] Tower."[78] Thompson later petitioned the court to release him from his child maintenance payments, reminding them "I am clered from being gilty of the act of unclenenes with Sarah Vinton."[79] Thomas Tower, appearing at first as a caring father figure, turned out to be a lecherous master in the end.

Elizabeth Dickerman told the Middlesex County Court an absolutely nightmarish tale. Elizabeth was probably an orphan. In 1680, the Charlestown selectmen's records note that she was placed out to service in the home of Peter Fowle.[80] By July of the next year, at the age of thirteen, she was living as a servant in the home of John Harris. Elizabeth's master, recognizing her vulnerable position, considered her sexually available, and his son, Joseph, followed his example. Elizabeth told the Middlesex County Court that John Harris had pushed her onto a bed "by way of forsing her to be naught with him," and that he persisted in "taking up of har cloaths and putting his hande undr her cloths." Sundays were particularly frightful days, because when Goodwife Harris remained at

meeting to take communion, Elizabeth found herself alone with her master. When his wife was absent, John Harris "layd her down upon the bed in the bed chambr and puld up her cloths and she strived with him [in the] way of resisting till her breth was all most gone."[81] Harris's twenty-year-old son behaved in much the same way. Elizabeth complained that he called to her as if he had chores for her to perform "and when she cam: it was for nothink but to show her his members." He "ofered abus to her in the seler and would a lain with [her] in the chambr," but she was evidently more skilled at evading him than she had been her master.[82] In desperation, Elizabeth threatened to run away, but her master knew that she had nowhere to go, and told her, "run the way is befor you." He warned her that if she told her mistress what he and his son had done "shee had as good be hanged," and Elizabeth admitted that she went in fear of her life.[83] Although Elizabeth's complaint makes it clear that the abuse was a regular and ongoing occurrence, she does not give any indication of how long it continued. There are no depositions in Elizabeth's file, and it is quite possible that no one was aware of the situation in the Harris household. When Elizabeth Dickerman lodged her complaint, however, the county court took it seriously. John Harris was sentenced to forty stripes, and his son to twenty. Elizabeth was removed from their household.[84] The courts could take the complaints of female servants quite seriously. We have already heard Experience Holbrooke's story. Experience was the only servant in late seventeenth-century Massachusetts to bring a formal complaint of rape against her master. She was also one of only a few rape victims who saw her attacker hanged. Many masters provided their servants with surrogate families, but all too often others chose to prey on the young and isolated.

Given the number of white servants who complained of sexual abuse or named members of their masters' households in paternity suits, it is surprising that very few black slaves did either. There is evidence that some white colonists found the idea of interracial sex distasteful. In 1676, when a young black woman entered the mill at Charlestown, the miller accosted her by yanking up her dress, showering her lower body with meal, and "saying he wold macke her white."[85] In 1668 a wife complained that her husband had told her "that if hee were necessitated to hav[e] a woman hee would take an Indian or negro woman" before he would bed his own wife.[86] Another dissatisfied wife, petitioning for di-

vorce, complained that her husband had been unfaithful to her. She was particularly concerned that his adulterous behavior had been "nott wth those of our owne Nation onely." He had extended his embraces to "the very heathn that Live among us."[87] In 1705, a petitioner describing herself as "a poor Ignorant Creature" confessed to committing fornication. Her sin was "most highly aggravated," she wrote, because "the Companion of her Crime was an Indian."[88] We have already encountered Daniel Gookin's reaction to an interracial liaison between his slave and a white woman: "fall in with Mr Wade's negro wench and live well."

And, yet, cultural taboos do not explain the apparent absence of sexual encounters between masters and their slaves. Numerous scholars have pointed out the sexual vulnerability of female slaves living farther south. Slavery is a system that places incredible power in the hands of masters. It would have been truly exceptional if New England's slave masters had consistently exercised restraint in the face of opportunity, and we do know that other individuals were having sex across the color line. Beginning in 1680, the Massachusetts General Court passed a series of laws that curtailed the freedoms of blacks and Indians and limited the ways in which whites might interact with either group. The early laws primarily restricted travel and trade. The spate of legislation culminated in 1705 with the passage of an act to prevent "spurious and mixt issue." This law prohibited marriage between whites and blacks and substantially stiffened the penalty for interracial fornication, which had not been a crime distinct from fornication in general before that date. Any black man or woman who was caught in fornication with a white person was to be sold out of the colony. The white partner was to take full financial responsibility for any resulting children. The law specified that if a white woman (but not a white man) was unable to maintain her child, she was to be "disposed of in service to some of her majesty's subjects within the province" for whatever term the court believed would satisfy the expense of raising her child.[89] Lawmakers would have been unlikely to prohibit interracial fornication if they did not perceive it to be a problem. Indeed, the minute books of the Middlesex and Suffolk county courts confirm that blacks, whites, and Indians did engage in sexual liaisons.

A little less than 8 percent of the bastardy and fornication cases recorded in the minute books for the Suffolk and Middlesex county courts

in the period 1660–1700 involved interracial partners.[90] Of these, one involved a black woman and a Native American man. Another involved a black woman and a man (described as a "Spanish Melatto") whose ancestry is unclear.[91] Two cases paired a white colonist and an Indian. The remaining eight (about 5 percent of the total) involved one black and one white person. Five percent does not seem like a lot until we remember that Africans and African Americans probably constituted no more than 3 percent of the population in late seventeenth-century New England.[92] At least three of the white people involved were servants, and the rest may have been as well. If interracial fornication was confined primarily to servants, then white and black people may have been engaging in fornication in numbers roughly equal to their proportion in the servant population at large. Liaisons between whites and Indians appear to have been less common. Perhaps Indians raised the specter of cultural debasement in ways that Africans did not. Indian communities with their distinct cultures, after all, surrounded English colonial settlements. Colonists encountered Africans primarily as family servants or slaves. Indeed, in the seventeenth century, few New England slaves had been born in the African interior. New England did not represent a strong market for slaves, and so traders who sold in New England typically brought in slaves who were considered undesirable elsewhere. These were usually troublemakers from the Caribbean or cosmopolitan men and women who had grown up around the slave-trading forts on the African coasts. Slaves in New England often arrived speaking European languages and were familiar with European customs. Because African slaves represented such a small proportion of New England's population, even those who had had limited contact with Europeans before enslavement had little alternative but to adopt both the English language and white New England material culture.[93] Ironically, they may have appeared less foreign to English colonists than the Indians whose country they inhabited.

But were the sexual partners of slaves usually servants? The absence in the courts' minute books of slaves who accused masters or their family members of fathering their bastard children is curious. As we saw in Chapter 1, such accusations were possible. The county courts were willing to hear them. Hagar, a black slave in Cambridge, accused her mas-

ter's son of fathering her child in 1669, although she later named a black father.[94] Hagar's story, in which she initially named a member of her master's family and then recanted and named a black man, may have been all too common. A similar tale emerges from a set of case papers from 1686. In that year Joanna, a slave belonging to Francis Wyman of Woburn, became pregnant. Initially she named Joseph Carter as the father of her child.[95] Not surprisingly, the families of Joseph Carter and Joanna's master, Francis Wyman, were quite interested in settling the paternity of Joanna's child. No fewer than eleven members of the two families testified about the racial identity and possible father of Joanna's baby (see Figures 14 and 15).[96]

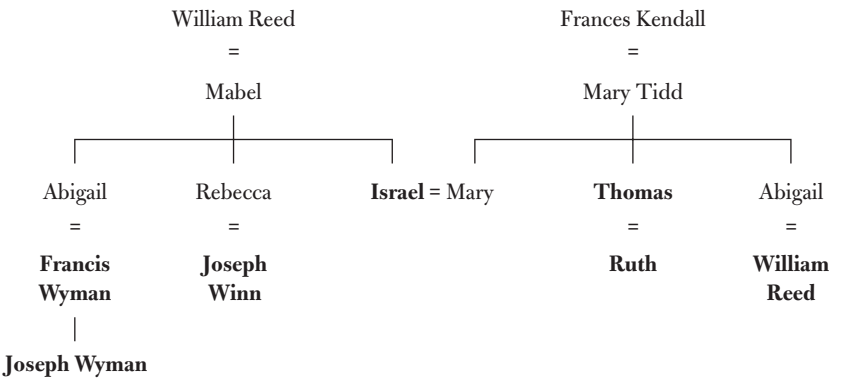
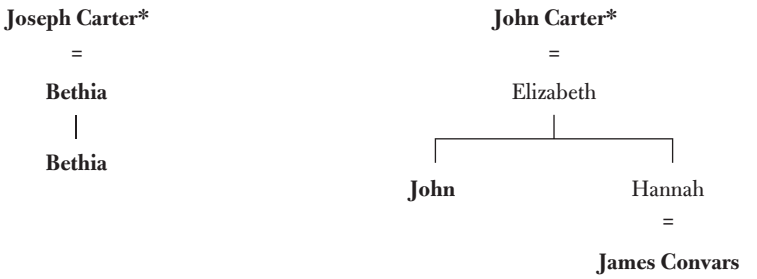


Figure 14: Connections between Francis Wyman and deponents in Joanna Negro's case



* The relationship between Joseph and John Carter is unknown.

Figure 15: Connections between the Carter family and deponents in Joanna Negro's case

The central problem for the two families was that Joanna's baby appeared to be of mixed ancestry. John Carter and his brother-in-law, James Convars, admitted that Joanna's child was "A white Child though sumwhat Tawny."[97] Other members of the Carter family had a white reputed father, other than Joseph Carter, in mind. According to Bethia Carter and her daughter, a neighboring woman, Goodwife Snow, had confronted Joanna with her pregnancy. Joanna allegedly replied "if she was with child it was by her husband Samuel Snow." That the relationship had not been a consensual one may have been implied by the "Railing Expressions" Joanna employed in the confrontation.[98] Francis Wyman's family did not appear any more eager to have their slave name Joseph Carter as the father of her child. Two of Wyman's brothers-in-law testified that they had heard that the child was Joseph Carter's, but all the other family members who testified suggested that Joanna's baby was black and that one of John Carter's slaves, rather than a white family member, was the father of the child.[99] Ruth and Thomas Kendall, kin of the Wyman family, testified that a mistake had been made. When the child was first born, the baby was so white "that many thought that his father was a inglish man." Shortly, however, the child became "[a]s blak a[s] a man other negers are."[100] William Reed, Francis Wyman's brother-in-law, and Joseph Wyman, Francis's son, both testified that they had seen Sampson, one of the Carter family slaves, visit Joanna "in the Night Season" and bring her gifts of apples and wine.[101] Perhaps Sampson really was the father of Joanna's child; but given the testimony about the child's appearance, this seems improbable. It is more likely that the Carters, the Wymans, and their kin brought pressure to bear on Joanna. At her delivery, she named Sampson, rather than Joseph Carter, as the father of her child. We can only wonder how many slaves did the same under similar circumstances.[102]

Servants and slaves were in precarious positions in their masters' households. Both groups were vulnerable to sexual abuse. Servants risked being turned out of their masters' homes if news of their sexual activities became known, regardless of whether sex had been consensual. Perhaps whispers and stares followed the steps of young women who bore their first child out of, or too soon after, wedlock. Women who had the support of their families tended to marry their partners, and

early marriage doubtless put a strain on many of those families. The labor of teenagers and young adults was, after all, crucial to family economies. In the long run, however, the consequences for young men and women who found themselves convicted of premarital fornication were probably minimal. By marrying their sexual partners, those who were sexually active before marriage mitigated their sin. Once they—or their families—had paid their fines, these young married couples were free to settle down, raise their families, and get on with the business of married life. For young women without family support, things were different. Servants who lacked family support rarely married their sexual partners. In a few cases, a hastily scribbled line in the court minute books, a desperate petition, or a notation in town records gives us a clue as to the fate of these women.[103] The data that survives is insufficient to quantitatively evaluate the fate of female servants who bore bastards. A few vignettes, drawn from those women about whom we do have information, however, suggest that the prospects of bastard-bearing servants were inauspicious. Jail, involuntary indentures, and separation from their children appear to have been common fates.

Susannah Woodward was one of the lucky ones because she straddled the division between servant and child. Susannah became pregnant while a servant to Deacon Thomas Hastings of Watertown, but she had family in the area who were able to intercede for her and mitigate some of the consequences of bearing a child out of wedlock. Members of her family kept an eye on her social interactions and testified on her behalf in court.[104] Susannah accused her master's son, also named Thomas, of being the father of her child. Although the Hastings family tried to convince the Middlesex County Court that another man, John Chadwick, was the most likely father of Susannah's child, Susannah and her family succeeded in having Thomas Hastings Jr. named the reputed father. Unlike many other servants, Susannah did not give birth in jail. She returned home to her father's house before her delivery. The county court ordered the Watertown selectmen to "take care for the disposall" of Woodward's child and "to order its maintenance." The selectmen placed the child in the home of John Waite, "with whome the sd Susanna is at present."[105] Susannah was probably a servant in Waite's household, but neither she nor her baby were bound to Waite in any long-term way.

Susannah's situation was probably more comfortable than that of many other women in her position. John Waite was her sister's husband.[106] Since the selectmen did not give Waite a long-term indenture, he had probably taken the child in an effort to keep it from being separated from its mother.

Elizabeth Wells was less fortunate. When we last met Elizabeth, that teller of extraordinary tales, she had named her master's son as the father of her child and the courts had rejected her claim. A list of charges submitted by the Charlestown selectmen and a petition submitted by Elizabeth herself provide a few clues as to what happened to Elizabeth after she charged her master's son with paternity. She spent some time (probably shortly after the Tufts family turned her out) in jail. Although the Tuftses did not post bond for Elizabeth, she was fortunate enough not to give birth in jail. The selectmen placed her with Widow (probably Susanna) White of Charlestown. She stayed there for seven weeks and delivered in White's house. At some point Elizabeth found herself at loose ends. In her undated petition to the county court, Elizabeth described herself as destitute, "not having anyway or meanes to Succor or Sustaine my selfe and his Child (in our weakness since the time I was turned out of my masters house[])]." She claimed to have relied on the charitable "hands and harts" of those who took her into "house and harbor."[107] It was probably in response to her petition that the court ordered her bound out to service.[108] As a bound servant, Elizabeth would have had a right to food and shelter, but she would not have been able to choose her master or change jobs at will. No mention was made of her child, who may or may not have accompanied her.

Like Elizabeth Wells, Jane Boen was alone in New England. She came to Massachusetts because her family had chosen the wrong side in the English civil wars. Her father had been a commander under King Charles I. When Oliver Cromwell came to power, Jane's family lost their property and position. Jane's mother sent her to New England, presumably out of harm's way and in hopes of a better life for her daughter.[109] In 1662, Jane was convicted of fornication with David Dunster, the son of Harvard College's erstwhile president. Her crime was exacerbated by the fact it involved a particular, but unspecified, "shamefull wickednes & prophanaccon of the Sabbath Day." David was also convicted of fornication.

He was sentenced to either pay a fine or be whipped, and to post bond to provide for the child's expenses. Jane was sentenced to be whipped and imprisoned until she could be "pvided for under family Govermt" or "give security to depart this Jurisdiction." Her baby was to be "disposed of to some Honest nurss."[110] Jane's undated petition, written from jail, details her circumstances as "destitute of all freends that might yeeld me any comfort" in her "deplorable conditions." Her separation from her child, whom she described as "as dear to me as any thing in the world," appears to have been particularly painful. "I should be willing to undergoe any thing," Jane wrote, "rather then to have the child taken fro[m] me." Jane requested the county court to provide clothing for her baby and a passage home for her so that "I may be wth my friends." Since the Restoration, Jane's family had returned to its former position, and Charles II had restored to Jane's brother the property that had once belonged to her father.[111] Without family on her side of the Atlantic or a way to contact those in England, however, Jane was doomed to remain in prison unless the courts decided to show her clemency. Whether they did so or not remains unknown. David Dunster sailed shortly thereafter for England, leaving his mother to take financial responsibility for his child.[112]

As was probably the case for Jane Boen, Mary Davis gave birth in jail. Before her pregnancy became known, she was a servant to Nathaniel Patten of Cambridge. Her "sweetheart," Walter Davis, visited her occasionally, although the Pattens appear not to have approved. Walter hung about the yard. Mary visited with him whether her master approved or not.[113] When Mary became pregnant, both Mary and Walter ended up in jail. The Pattens did not post bond for their servant, and Walter evidently could not come up with the money, either.[114] Mary's stay was particularly uncomfortable. She was expected to work to pay part of her prison costs, but her jailor petitioned the county court because she was unable to fulfill her end of the bargain. She was in jail for five weeks. During that time, the prison keeper complained she was unable to work "by reason she was big with child, as also ill in body and mind."[115] Once she delivered, the court sentenced her to corporal punishment.[116] The fate of Mary and Walter, and that of their child, is unknown.

Two surviving contracts from Dorchester suggest what may have been the standard provisions made for the care of infants who were left to the

mercy of town governments. The first concerned Frances Tree's son, who was bound out as a servant at the age of approximately ten months. Frances Tree was an unmarried servant who probably died shortly after giving birth.[117] When the town of Dorchester was unable to make the reputed father, James Minot, take responsibility for the child, the town paid Anthony Newton to take him in 1668.[118] The second contract concerned the daughter of Deliverance Stock, who was bound out to Henry and Margaret Merrifield when she was about five months old in 1670. Deliverance Stock was a widow whose child was legitimate, but poverty had evidently pushed her into servitude with a master unwilling to take in her child.[119] The contracts share two striking similarities. First, both children were bound out in early infancy and were to live as servants until each reached the age of majority: sixteen or eighteen for Stock's daughter and twenty-one for Tree's son. Second, both contracts established a sliding scale of payments dependent on how long each child lived. Each master was to receive a set amount of money to cover the first year, regardless of whether the infant survived. Newton was to receive more money if Tree's son survived two and a half years and more still if he survived three and a half. The Merrifields were to be paid on a prorated scale in the second and third years, again depending on how long the child survived.

On one hand, these contracts reflect the ubiquity of infant mortality. Certainly, late seventeenth-century infants commonly died, and spelling out the contingencies in a contract made good legal sense. On the other hand, the Dorchester selectmen may not have really expected these children to live to adulthood. At the ages at which these children were bound out, both would ordinarily still have been nursing, although at ten months, Frances Tree's child may have been weaned. We know almost nothing about Anthony Newton's family, but Tree's child survived at least three and a half years, and Newton was paid accordingly.[120] We know a great deal more about the Merrifields. Margaret Merrifield was about fifty years old when she and her husband took Stock's child in 1670. Her last known child, Henry, had been born six years before.[121] The Merrifields were a poor family, and Dorchester had probably given them the child as a form of welfare.[122] It is extremely unlikely that the five shillings per week allocated for the child's care was sufficient to hire

a wet nurse, and there is little chance that Margaret herself was lactating.[123] The child's mother, Deliverance Stock, was a servant in Milton. Although she tried to return to Dorchester, presumably to see her child, the Dorchester selectmen demanded that she abide in Milton with her master.[124] Deliverance was not nursing the baby while it lived with the Merrifields. Dry nursing was not unknown in the early modern period, but the best information we have suggests that it was usually a death sentence. Regular references to money and goods given to the Merrifields appear in Dorchester's records for about a year after Stock's child was placed in their home. In March of 1670, the Merrifields petitioned to receive additional money above the usual five shillings per week.[125] The town denied the Merrifields' petition, and the town records contain only one more reference to Deliverance Stock's baby.[126] The lack of entries detailing further payments to Henry and Margaret Merrifield probably indicate that Stock's baby died at about eighteen months.

Indentures for orphaned or bastard children were not color-blind. Sixteen to eighteen years, the age specified for Deliverance Stock's daughter, was the standard age at which a white female might be freed from service. This was also the age when many fathers allowed daughters to receive their inheritance. The same was true for white males at twenty-one. In 1681 the town of Boston found itself responsible for an orphaned black child. The child's mother, a free black woman, had died, and her father had been banished. The selectmen of Boston petitioned the Suffolk County Court to allow them to bind out the child, Mary Sapato, until she was thirty years old, "the sd Childe beinge a Negro."[127] Since most black babies were the children of slaves, and since slavery was an inheritable condition after 1670 (and perhaps before that date as well), we might expect masters and mistresses to value black children in a way that they did not value the children of their servants who would grow up to be free men and women.[128] In the late seventeenth-century Chesapeake, after all, masters quickly realized that slave infants grew up to be enslaved laborers. In a slave economy that emphasized staple crops, it was worth a master's while to wait for slave babies to mature, particularly if the master owned a large number of slaves, so that infants might be cared for in groups.[129] The economy of slavery worked differently in Massachusetts, however. There, slavery

was primarily an urban phenomenon, and masters rarely held more than one or two persons in a permanent state of bondage. Slave babies detracted from the amount of labor an enslaved mother was able to perform and strained the family economy by introducing another unproductive mouth to feed. The best evidence we have about masters' attitudes toward enslaved infants comes from the early eighteenth century, but it is unlikely that attitudes only a few decades before had been substantially different.

In 1718, John Brigham testified that he heard Sarah Smith say that her sister's slave had had a bastard child. "If I wear as my sister," Smith proclaimed, "I would sell her or putt her away." Smith worried, "shee will fill my sister['s] house with Bastards." The sister in question chose, instead, to free her slave at her death, but Smith's attitude was probably not uncommon.[130] A 1740 advertisement in the *Boston Weekly News-Letter* offered for sale "a very honest, likely strong and hearty Negro Woman." Her only fault was that she was "an excellent Breeder, for which Reason she is to be disposed of." Her son, "a young Male Child," was to be "given into the Bargain."[131] A similar advertisement appeared less than three years later. In this case "A Likely, Healthy & strong Negro Wench" was to be "SOLD, or EXCHANG'D for another to Likeing." The woman had lived in North America for twelve years and so was acculturated. She could perform "any sort of Houshold Work" and was particularly knowledgeable about "Garden Seeds & Herbs." Perhaps most enticing of all, "she will drink no sort of strong Drink." What was it about her that made her master think he should exchange her for one he liked better? Perhaps it was the fact that she was only twenty years old and already the mother of two living children.[132] In many cases, female slaves were advertised with their infants or young children. A history of being an "excellent breeder" may have explained many of these sales.

But selling a slave woman who reproduced too quickly was not the only way that a master might rid himself of a troublesome black baby. In 1706, one master advertised that he had "A Negro Infant Girl about Six Weeks Old, to be Given for the Bringing up."[133] The advertisement was not unique. Between 1706 and 1750, thirteen masters advertised that they were willing to give away enslaved infants as if they were part of an inconvenient litter of kittens. Masters gave away both

males and females. The age at advertisement ran as young as ten days old.[134] It would be nice to think that these children who had been separated from their mothers at least went to homes that contained a lactating female. It seems more likely, however, that those who received these children might try their hands at dry nursing. If the child was free, what did they have to lose? The practice had evidently become fairly common by the mid-eighteenth century. In 1750, someone advertised that if anyone had "a Negro Child to give away," he would take it.[135] The reason for the lack of value placed on black infants is hinted at in one 1748 advertisement. "A Likely Negro Boy of about two Years and a half old" was advertised for sale. He was a good bargain, his master intimated, for he might be had "for less than half the Charge of bringing one up to that Age."[136]

Nothing, perhaps, casts the importance of families in sharper relief than the experiences of those who lived their lives without their protection. Since most New Englanders emigrated in family groups and reproduced quickly in the relatively healthy environment of the northeastern colonies, most young men and women lived their lives enmeshed in deep kinship networks. For some, the experience may have been stifling, as in-laws and distant cousins, as well as immediate family, watched over them, remonstrated with them, and generally did their best to keep them away from sin and shame, while walking that fine line between fondness and discipline. When a family's best efforts failed, erring children could still expect parents to bring pressure on their partners, either informally or in the context of a legal trial, to secure a marriage or, at least, financial support for bastard children. For those who emigrated alone, either involuntarily as slaves or willfully as bound or free servants, and for those who lost their families, life was substantially different. On a day-to-day level, these men and women lived in families who saw to their physical needs and protection. But if the true test of relationships is how they fare in times of crisis, these men and women stood outside their households in important ways. Slaves, although they could usually count on their masters' families to shield them from the most severe rigors of the law, were more susceptible to

sexual coercion than free white men and women and more likely to be pressured to name innocent men as the fathers of their children. They had little control of the fate of their children and might expect to see their sons and daughters handed over to strangers who had little invested in them. White servants, who in good times might be surrogate children, became "traitors" and "rebels" when a swollen belly came to the attention of the local courts. Most masters and mistresses did as Cotton Mather had instructed and turned them out of doors.

Conclusion

Late seventeenth-century New Englanders lived in a time of declining morals. At least that is what these men and women told themselves and one another. Church membership had declined. Children were disobedient. Workers were insolent. The government did not support the church the way it ought to. Sin, quite simply, abounded. The results were war, political instability, and, later, witchcraft. In the wake of King Philip's War, which many New Englanders interpreted as a sign of God's anger, New England preachers let loose a wave of sermons decrying the decline of moral standards within the family and the failings of the young.[1] They looked back to the founding years of the colony as a golden era, forgetting, of course, that there had been plenty of religious dissension, rebellion, and just plain sin in the earliest years as well. Late seventeenth-century New Englanders held themselves up to a sanitized standard of their past. It should be no surprise that those living in the closing years of the seventeenth century judged themselves lacking. If we were to impose a modern concept on them, we might say they were having a crisis of family values.

The concept seems strange at first glance. Even by the standards of seventeenth-century English people in general, New England families were remarkably stable. Unlike in England, almost all New Englanders married at least once in their lives. Most married couples also, of course,

bore children. Longer life spans in the relatively healthy and rural northern climate probably meant that there were fewer "single parent" households than either in England itself or its Chesapeake colonies. Second and even third marriages were common, since husbands and wives did die before old age more commonly than they do today. Certainly stepchildren and half siblings lived in many households, although they were probably less numerous in New England than in other English areas. Kinship networks tended to be deep, and the nuclear family was alive and more than well. Out-of-wedlock pregnancies were, even for the seventeenth century, rare events. They were crises for those involved, and they (unintentionally, of course) provide those interested in history with insights into courtship practices, standards of morality, and family life. For those who adhere to "family values" in the modern sense of the term, the seventeenth century's families were much more golden than those of the 1950s.

One thing I hope that readers will get out of this book is the fact that these families had their problems too. Statistics make them look idyllic. Stories tell, well, a different story. No human society is free from wrong, pain, or abuse. The Puritans weren't even close—either by their standards or ours. Husbands deserted or abused their wives, and sometimes wives did the same to their husbands. Strangers and neighbors sexually attacked women. Daughters got pregnant. Sons got charged with paternity. Occasionally, an unwed mother murdered her child in secret. The stories families and neighbors told about these incidents often suggested that the underlying problem had been there long before the behavior—whether illicit sexual congress or domestic abuse—became serious enough to be named as a crime. Cordial relations with one's neighbors or a simple unwillingness to get involved in someone else's problems dictated that neighbors not look too closely or, at least, not act on all the information that they had about sexual indiscretions in other people's families. If this made Massachusetts a more comfortable place to live than it otherwise might have been, it also allowed sin to take its normal course away from prying eyes.

Or at least away from the prying eyes of neighbors. New Englanders could expect their extended families to keep a close watch on their relationships both before and after marriage. While, no doubt, some courting couples or older married people found this supervision meddlesome, its

primary purpose was protective. Family members who were aware of their kin's behavior were in a position to intercede before a problem became a crime, or provide testimony once kinfolk had been called to answer to Authority. Seventeenth-century New Englanders lacked the sentimentality and emotional expressiveness that would come into vogue by the late eighteenth century, but that does not mean that they lacked in affection. Families, after all, had more than one option when confronted with disgraced kin. They might have ignored the problem to save themselves trouble, or shunned their kinfolk in an attempt to retain their own honor. That they often went to great lengths to protect erring family members suggests that early modern New England households were not the cold and unfeeling places some earlier historians have described. This kin-based system of policing, however, raises some important questions about the efficacy and impartiality of seventeenth-century justice.

Make no mistake. The Puritans as a whole were interested in and committed to justice as they saw it. The first set of laws passed in Massachusetts Bay guaranteed many of the procedural protections modern Americans have come to take for granted. The law protected defendants against self-incrimination and double jeopardy, and guaranteed the right to trial by jury, as well as the right to challenge an unlimited number of jurymen for cause. Both free and unfree people were guaranteed these rights. In addition, Massachusetts Bay simplified English legal procedures and mandated that lawsuits should not be delayed or dismissed for procedural flaws as long as the intent of the documents filed was clear. Although New England courts did admit hearsay and circumstantial evidence that modern American courts would dismiss, they held themselves to their own evidentiary standards. The requirement that two eyewitnesses (or one eyewitness combined with other strong evidence) testify in felony cases may have allowed some who were guilty to go free, but it helped to ensure that the innocent were not punished.[2] Indeed, the first code of laws drawn up in Massachusetts Bay in 1641 declared that safeguarding the "liberties, Immunities, and priveledges" of individuals was necessary for the peace of both church and state. "[T]he denial or deprival thereof" would be the "disturbance if not the ruine of both."[3]

As my plans for this book took shape, I expected to find disparities in justice to reside in the so-called "unholy trinity"—sex, race, and

class. Certainly, this was true to some extent. Although the New England courts did not consistently sentence black men and women differently than they sentenced white men and women, their assumptions that all people of color were fundamentally enslavable (and their refusal to acknowledge that financial penalties were inappropriate for slaves) created undue hardship. Women suffered disproportionately in cases of consensual sexual crime, but this had more to do with standards of evidence than with hostility toward women. Women could be prosecuted for fornication because they became pregnant, and the reverse was true for men. The courts lowered their evidentiary standards to allow men to be prosecuted as "reputed fathers" who would be responsible for child support, but did not lower them so that men might be convicted of fornication on the testimony of a single (and interested) witness. Evidentiary standards also wreaked havoc on women's ability to pursue rape charges. Because rape was a capital crime, two witnesses had to testify in order to secure a conviction. This did, in effect, lead to different standards of justice for men and women. The courts can hardly be faulted, however, for demanding evidence before convicting people of crimes.

Where justice really faltered began outside the courtroom. Because families were so central to the way justice was administered, those who had their families around them fared dramatically better than those who did not. To some extent, this is likely to be true in any era. People with supportive families naturally benefit from them. In this case, however, the fact that policing was essentially decentralized and privatized meant that interested parties could manipulate the courts. Indeed, a close look at even criminal prosecutions reveals a system that resembles competing clans more than the disinterested justice the courts were ideally to provide. Of course, those who lacked family support, particularly young female servants, fared worst of all. They paid disproportionately for their crimes and had the fewest resources on which to draw. The act that might be a shameful misstep for some was a calamity for them.

Edmund Morgan argued decades ago that the Puritan evangelical mission in New England ultimately failed because of the "tribalism" that afflicted New England settlers in the late seventeenth century. As families became more insular and more protective of their own, New Englanders became more and more likely to conceive of the divine in familial

metaphors—God as father, Christ as the bridegroom—and to expect election to follow genealogical lines. They became consumed with keeping their own families within the church to the exclusion of converting those who stood outside it. The "little church" of the family ultimately undermined the health of the larger church.[4] This same impulse, to protect the "little commonwealth" at the expense of the larger one, tainted the administration of justice in Puritan New England. It was not that New Englanders ceased to believe in the importance of impartial justice, but rather that this goal, on a case-by-case basis, was less important to them than seeing their own families flourish. To a large extent, individual families had the power to manipulate the courts because of the way in which seventeenth-century political theory explained the relationship between the family and the larger commonwealth. The two were to be firmly integrated, with the family acting as the first line of defense against sin, crime, and disorder. To the extent that families were to provide early education in religious and civil matters, this seems to have worked well enough. When justice moved outside the family into the courts, however, the conflict between private goals and public needs became manifest. Patriarchs made ineffective judges (and families tainted juries), not because they lacked authority, but because they were unwilling to act as disinterested officers of the court. We can hardly blame them, even if, in hindsight, we can see the damage this devotion wrought.

In the course of my research, I have heartlessly resurrected old scandals and perhaps even uncovered a few secrets that my subjects must have hoped would remain buried in dusty tomes, even as their bodies were on the way to becoming dust themselves. If these stories have, at times, read like a gossip magazine (or the *World Weekly News*), I hope they have served a purpose beyond that of a few good yarns. I have tried to uncover the motivations of my sinning and sinned-against subjects and see through them a reflection of their larger culture. The past I have pieced together is neither that of popular perceptions of "The Puritans"—a cardboard band of upright killjoys—nor the dominant professional historian's description of a neighborly society utterly lacking in privacy and dominated by holy watching, even as it was giving way to the more secular and individualistic society of the eighteenth century. Late seventeenth-century New Englanders were a complex and

very human lot, and for that reason it is hard to draw from them direct lessons for the present. Simplistic histories make powerful modern motivators (whether they call for a revival of the "good old days" or celebrate the passing of the "bad old days"). Complex histories make for fewer slogans, but they also provide a more stable basis for thinking about our own society. We live in a world that is markedly different from that of the seventeenth century. Seventeenth-century New England society was more communally oriented, more comfortable with inequalities based on birth and station, and unabashedly patriarchal. It is a society in which none of us would feel comfortable today. Nevertheless, we do still struggle with many of the same issues that plagued our ancestors. What constitutes justice, and how is it most likely to be achieved? What should the role of government be? And, most aptly, what should the relationship between families and the government be? Families were strong in the late seventeenth century. They were well integrated into the state and charged with performing quasi-public functions. They turned out to be ill-suited to the task—by both seventeenth-century standards and by ours. The Puritans, as a whole, did value justice, even if they defined it somewhat differently than most modern Americans do. While many Americans call for a "return" to family values and placing responsibility for individual welfare more squarely on the shoulders of reinvigorated nuclear families, I would like to see us do better than our ancestors.

And now I think I am finally ready to let these
three-hundred-year-old souls rest in peace.

A Peek behind the Scenes

Notes

Acknowledgments

Index

A Peek behind the Scenes

Writing history is a lot like detective work without the long stakeouts. In my case, I knew where my primary clues could be found. They were in the Massachusetts Archives, spread out over a few thousand reels of microfilm. Usually the trail began with minute books, which are quick summaries, usually including only the charge and verdict, of the cases heard by the Massachusetts courts. Then off to the indices and the file papers. Historians may be spared stakeouts, but we are all too familiar with dead ends. This person had the same name, but lived fifty or a hundred years too late. Wrong person. This one is the right person, but the only clues left are a summons for him to appear in court or a bond that will keep her out of jail, but won't tell me anything I don't already know. Then occasionally . . . Eureka! . . . a nice fat file full of depositions, reasons of appeal, and other documents that help me figure out what had led to the trip to court recorded in the minute books. Nose pressed to the microfilm reader (since for preservation reasons even historians handle actual documents only when there is a truly pressing need), I start to decipher the documents. The interesting documents, especially depositions, were usually written by people for whom writing was not part of daily life. All seventeenth-century handwriting is difficult for those who are not used to reading it. Depositions tend to come scrawled, completely unpunctuated, and with truly unique spelling. It takes a while to get used to. Of course, some of the things in the depositions take a while to get used to as well. Every once in a while, I would get up, walk around, and blink some moisture back in my contact lenses because I knew I hadn't read what I thought I just read. But when I come back to the screen, the document still reads "hee replyed that hee would giue her a cheese also, for hee had great needs."

Of course, the documents I am looking at were not written for me. They were written for judges and juries whose bones are currently turning to dust. The trials were mostly local affairs, and judges and juries would have known most of the deponents, known which ones

were related to each other or to the defendant, who had been convicted of prior offenses, and, of course, they were steeped in the cultural baggage that underlay some of the more seemingly esoteric testimony given in court. Witnesses in those trials did not fill in all the blanks because they did not have to. When one deponent admitted that her tavern might be rumored to be "as bad as Goodwife Thomas's," those in the courtroom knew that Alice Thomas had been convicted of being a common bawd only a few years before. When Elizabeth Dane bid an unwanted suitor "hold his hand on[e] half houer in the fire," they recognized the reference to a story told in Sunday sermons. Magistrates and juries knew the defendants, the victims, and those who showed up to tell stories about them. It required quite a bit more detective work for me to get to know them. Town records, nineteenth-century town histories, probate records, vital statistics, and even sermon literature all revealed clues. Genealogical research turned out to be crucial. In the beginning, I never suspected that my deponents were battling against each other in family groups. Reconstructing those family networks turned out to be a real eye-opener. The family connections were not obvious in the records themselves because women changed their last names when they married, and they often married multiple times. After researching several cases and watching the family relationships fall into place, I knew I was seeing an important pattern, and it changed the way I read testimony and thought about the production of testimony. It mattered that a particular deposition came from the defendant's aunt or the victim's brother-in-law. It also mattered if the deponent had just been sued by the defendant's father. The Puritans, after all, were only human.

I must admit that there was an easier way to do this. Early American historians have long recognized that court records are one of the very few types of documents that allow us entry into the everyday world of Puritan New England. Beginning in the early twentieth century, antiquarians and historians transcribed and published many seventeenth-century minute books and, in some cases, limited collections of file papers as well. Published editions, of course, save a lot of detective work, since they come neatly printed, indexed, and bound to a particular place and time period (i.e., no looking up a person's name only to find that that person lived in Weymouth in the mid-eighteenth century rather than Woburn in the seventeenth). As Mary Beth Norton noted with respect to the database that provided the foundation for her work *Founding Mothers and Fathers,* "so many records are available in print that in most instances it seemed unnecessary to consult unpublished documents."[1] Indeed, historian Helena Wall, who consulted numerous manuscript sources for Maryland, New York, Pennsylvania, and Virginia, was able to rely solely on printed materials for Massachusetts.[2]

Although the published editions are numerous, they tend to focus on earlier parts of the seventeenth century and on Essex County. Their availability, not surprisingly, has encouraged historians to study those particular times and places. I have made use of some of these sources. After all, the people in my book didn't start living in 1660 just because that is when my book begins, and county lines didn't come with barbed-wire fences. Sometimes cases I encountered in Suffolk County or Middlesex County spilled over into other places. I chose to focus on Middlesex and Suffolk counties, despite the fact that their records are more difficult to work with, because I wanted to meet new people and find new stories. I wanted access to the deeper caches of file papers that come with getting away from edited collections. I found unsatisfying the one book similar to my own that focuses on

Middlesex County. Roger Thompson's *Sex in Middlesex* has long been a staple for those interested in Puritan sexual mores, but I found it lacking in depth and attention to both gender and race. The book did, however, leave me salivating for the records on which it was based.[3]

The records were everything I had hoped they would be. Days of finding nothing useful at all were punctuated with discovering a rich case file that had me scrolling through other collections in the state archives and racing to the registry of deeds, Harvard's library with its collections of town histories, the New England Historic Genealogical Society, or wherever the little scrap of paper with the next clue might be. Putting them all together has turned out to be one of the greatest adventures of my life.

Notes

Sources frequently cited are identified by the following abbreviations:

MAC	Massachusetts Archives Collection, Massachusetts Archives, Boston.
MCPR	Middlesex County Probate Records, Massachusetts Archives, Boston.
MFC	Middlesex Folio Collection, Massachusetts Archives, Boston.
SFC	Suffolk Files Collection, Massachusetts Archives, Boston.

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6. The 1641 law that first recognized slavery in Massachusetts stated that only those who were "Captives taken in just warres, and such strangers as willingly sell themselves or are sold to us" could be held as slaves. In 1670 the law was revised to remove the word "strangers." Some have interpreted this change as an attempt to close a loophole by which the children of slaves had been claiming their freedom. See Lorenzo Johnston Greene, *The Negro in Colonial New England* (New York: Columbia University Press, 1942; repr., New York: Atheneum, 1969), 63–65.
7. Kathleen M. Brown, *Good Wives, Nasty Wenches, and Anxious Patriarchs: Gender, Race, and Power in Colonial Virginia* (Chapel Hill: University of North Carolina Press, for the Omohundro Institute of Early American History and Culture, 1996), 128–35.
8. Robert C. Twombly and Robert H. Moore, "Black Puritan: The Negro in Seventeenth-Century Massachusetts," *William and Mary Quarterly* 3rd. ser., vol. 24, no. 2 (April 1967), 224–242. The late seventeenth-century saw the erosion of civil rights for both free and enslaved black men and women in Virginia. At midcentury slaves appear to have enjoyed the same rights as white servants. In 1705, however, black people, both free and enslaved, were denied the right to act as witnesses in court. See Edmund Morgan, *America Slavery, American Freedom: The Ordeal of Colonial Virginia* (New York: W. W. Norton, 1975), 154–57, and William Hening, *The Statutes at Large; Being a Collection of All of the Laws of Virginia,* vol. 3 (Charlottesville: University Press of Virginia, 1969), 298.
9. Increase Mather, *A Call from Heaven to the Present and Rising Generation* (Boston: John Foster, 1679), 91.
10. Norton, *Founding Mothers and Fathers;* D. Kelley Weisberg, "Under Great Temptations Here: Women and Divorce Law in Puritan Massachusetts," in *Women and the Law: A Social Historical Perspective,* ed. D. Kelley Weisburg (Cambridge, MA: Schenkman, 1982).
11. William H. Whitmore, ed. *The Colonial Laws of Massachusetts Reprinted from the Edition of 1672, with the Supplements through 1686, Containing also a Bibliographical Preface and Introduction, Treating All of the Printed Laws from 1649 to 1686 Together with the Body of Liberties of 1641 and the Records of the Court of Assistants, 1641–1644* (Boston: Rockwell and Churchill, 1890), 54. The surviving copy of the law was published in 1672, and there is no other date given for that particular law. A 1669 Middlesex County case involving a servant named Elizabeth Wells, however, strongly suggests that the law had been recently enacted. A woman's testimony during labor had, of course, been important legal evidence before this point. See Elizabeth Joyce and Mary Tuft's Deposition, Folio 52–2, Middlesex Folio Collection, Massachusetts Archives, Boston (hereafter cited as MFC).
12. In this case, it looks like the birth witnesses were not related to either the Manning or Gookin family. It is possible that there were familial connections for which no evidence survives. In many cases the maiden names of the women involved are unknown.

However, most of the witnesses to the birth were near neighbors of the Manning family, and it seems likely that they were chosen for proximity rather than for family ties. There were also other women present whose names were not recorded.

13. Thomas Danforth, "Disorders Records: Examination of College Students and Others for Disorderly Conduct, January 1676/7," UAI 15.350, Harvard University Archives, Cambridge, MA.
14. Daniel Gookin's Answer unto the Testimony of Deacon Park, Folio 106–3, MFC.
15. Sidney Kaplan, "Samuel Sewall and the Iniquity of Slavery," in Samuel Sewall, *The Selling of Joseph: A Memorial,* ed. Sidney Kaplan (Amherst: University of Massachusetts Press, 1969), 35–37.
16. Samuel Eliot Morison, ed., *Records of the Suffolk County Court, 1671–1680,* vol. 1, pt. 1 in *Publications of the Colonial Society of Massachusetts,* vol. 29 (Boston: Published by the Society, 1933), 113 (30 April 1672), hereafter *Records of the Suffolk County Court.*
17. *Records of the Suffolk County Court,* 1:117 (30 April 1672).
18. *Middlesex County Court Minute Book,* 18 June 1672, transcription by David Pulsifer, Massachusetts Archives, Boston.
19. Henry S. Nourse, *The Early Records of Lancaster, Massachusetts, 1643–1725* (Lancaster, MA: Printed by W. J. Coulter, Courant Office, 1884), 92.
20. Edmund names five surviving children in his 1694 will. See Will of Edmund Parker, Suffolk County Probate Records, File no. 2148, Massachusetts Archives, Boston.
21. *Middlesex County Court Minute Book,* 11 October 1672; *Records of the Suffolk County Court,* vol. 1, p. 259 (29 April 1673).
22. Nourse, *Early Records of Lancaster,* 92.
23. Ibid., 95–96.
24. *Middlesex County Court Minute Book,* 7 April 1674.
25. F. W. Gookin, *Daniel Gookin*, 195–96.
26. Quoted in F. W. Gookin, *Daniel Gookin*, 195–96. The encounter is confirmed in Wade's Answer, Folio 106–3, MFC.
27. Morris, "'Sold to Mayntence a Bastard.'"
28. Quoted in F. W. Gookin, *Daniel Gookin*, 196.
29. Daniel Gookin to Jonathan Wade, 1680, no. 2104, Suffolk Files Collection, Massachusetts Archives, Boston; Daniel Gookin to Jonathan Wade, 10 August 1676, Folio 106–3, MFC.
30. Covenant, 1682, Folio 106–3, MFC.
31. Wade's Answer, Folio 106–3, MFC.
32. Minute Book, 19 October 1682, Middlesex Quarterly Court, Massachusetts Archives, Boston.
33. Answer of Daniel Gookin, Folio 106–3, MFC.
34. Wade's Answer, Folio 106–3, MFC.
35. Ibid.
36. Various Papers, Folios 44x-1 and 45x-3, MFC.
37. Andrew Stevenson Sr.'s Deposition, Folio 78–3 E, MFC.
38. Jane Stinson's Deposition, Folio 78–3 E, MFC.
39. Joseph Cooke's Deposition, Folio 78–3 E, MFC.

40. Hannah Arrington's Deposition, Folio 78–3 E, MFC.
41. Elizabeth Belcher's Deposition and Martha Remington's Deposition, Folio 78–3 E, MFC.
42. Robert and Barbara Brown's Deposition, Folio 78–3 E, MFC.
43. Thomas Longhorne's Deposition, Folio 78–3 E, MFC.
44. Ruth Green's Deposition, Folio 78–3 E, MFC.
45. Hannah Stevenson's Accusation, Folio 78–3 E, MFC.
46. Various papers, Folio 113–3 H, MFC.
47. Samuel Gibson's Deposition, Folio 78–3 E, MFC.
48. Further Examination of Hannah Stevenson, Folio 78–3 E, MFC.
49. Hannah Stevenson's Bond, Folio 78–3 E, MFC.
50. Samuel Gookin's Bond, Folio 78–3 E, MFC.
51. Petition of Daniel and Mary Gookin, Folio 78–3 E, MFC.
52. Joseph Cooke's Deposition, Folio 78–3 E, MFC.
53. Martha Cooke's Deposition, Folio 78–3 E, MFC.
54. The precise relationship between Jane Alcock Stevenson and Martha Stedman Cooke is unclear, but Martha was the sister-in-law of Rev. Samuel Alcock. See Richard Alden Stimson, *Thirteen Generations in the New World: Aldens, Stimsons and Their Kin* (High Point, NC: Westchester Press, 2000), 25; Lucius Paige, *History of Cambridge, Massachusetts, 1630–1877 with a Genealogical Register* (Boston: H. O. Houghton and Co., 1877).
55. Samuel Gibson was also related to the deponent Hannah Arrington. His brother married her sister. See Paige, *History of Cambridge,* 1:541, 558–59.
56. Quoted in F. W. Gookin, *Daniel Gookin,* 153–54. Original in Massachusetts Archives. The Court of Assistants rendered a verdict in Gookin's favor and awarded him £100 in damages. See Massachusetts Bay Court of Assistants, *Records of the Court of Assistants of the Colony of the Massachusetts Bay, 1630–1692,* vol. 1, ed. John Noble (Boston: Rockwell and Churchill Press, 1901), 80–81 (1675).
57. Quoted in F. W. Gookin, *Daniel Gookin,* 153. Original in Massachusetts Archives.
58. Quoted in F. W. Gookin, *Daniel Gookin,* 160. Original is unidentified but presumably in Massachusetts Archives.
59. Paige, *History of Cambridge,* 2:486, 529–30.
60. Andrew Stevenson's complaint and Gearard Church's Deposition, Folio 45–2 D, MFC. The resolution of this case is unknown because the Middlesex County minute book for this year is not extant.
61. Robert and Barbara Brown's Deposition, Folio 78–3 E, MFC.
62. Thomas Longhorne's Deposition, Folio 78–3 E, MFC.
63. Ruth Green's father was Thomas Longhorne's wife's cousin. Bartholomew Green was probably Percival Green's brother. Bartholomew Green had a daughter, Sarah, who married Thomas Longhorne. Ruth Green was Percival Green's granddaughter by his son John. See Paige, *History of Cambridge,* 2:567–68, 599.
64. Ruth Green's Deposition, Folio 78–3 E, MFC.
65. Petition of Daniel and Mary Gookin, Folio 78–3 E, MFC.
66. There is evidence that justices were sometimes reluctant to believe women who accused men whose status was significantly higher than their own. See Else L.

Hambleton, "The Regulation of Sex in Seventeenth-Century Massachusetts: The Quarterly Court of Essex County vs. Priscilla Willson and Mr. Samuel Appleton," in *Sex and Sexuality in Early America,* ed. Merril D. Smith (New York: New York University Press, 1998).

67. *Middlesex County Court Minute Book,* 12 November 1677.
68. Christopher Reed's Deposition, Folio 82–3 A, MFC.
69. *Middlesex County Court Minute Book,* 18 December 1678.
70. Christopher Reed's Deposition, Folio 82–3 A, MFC.
71. *Middlesex County Court Minute Book,* 18 December 1678.
72. Hannah Stevenson was still pregnant on 3 April 1677, when Samuel Gookin suggested an abortion, but had given birth when she was actually charged with fornication in November of that year.
73. *Middlesex County Court Minute Book,* 10 January 1679.
74. Henry A. Hazen, *History of Billerica, Massachusetts, with a Genealogical Register,* Genealogical Register (Boston: A. Williams and Co., 1883; repr., Cambridge, MA: Howard A. Doyle, 1973), 17.
75. Hannah Brackett's confession strongly suggests that she was living in the Gookin household before Mary Gookin died in 1681. John Eliot Jr. was the grandson of both Daniel Gookin and John Eliot "The Apostle."
76. John Eliot Jr.'s Deposition and Another Deposition of John Eliot Jr., Folio 112–2 A, MFC.
77. Daniel Warro's Deposition, Folio 112–2 A, MFC.
78. Hannah Brackett's Confession, Folio 112–2 A, MFC.
79. John Brooks Threlfall, *Fifty Great Migration Colonists to New England and Their Origins* (Madison, WI, 1990), 76, 85. Note that Hannah Brackett had two aunts named Elizabeth. The one who attended the birth was probably Elizabeth Bosworth Brackett, wife of John Brackett's brother Peter. John Brackett's brother Josiah, and his wife, Elizabeth Waldo Brackett, were probably living in Chelmsford by this point. See Hazen, *History of Billerica,* Genealogical Register, 17; Janet Ireland Delorey, "The Poulter Family of Rayleigh, Essex, England, and Billerica, Massachusetts," *New England Historic Genealogical Register* 141 (July 1987): 218–19; "The Eliot, Lane, and Jessop Families," *New England Historic Genealogical Register* 10 (October 1856): 355. Ann Kidder may not have been a relative. Her maiden name was Moore. Hannah Brackett's grandmother had a cousin named John Moore. The relationship between the two, if any, is unclear. See Paige, *History of Cambridge,* 2:596; Ellen Roberts Campbell McKee, *John Moore of Sudbury, and Some Descendants Settling in Vermont* (Fairfax, VA: E. R. C. McKee, 1988), 23.
80. Deposition of Elizabeth Danforth Sr., Ruth Brackett, Ann Kidder, and Elizabeth Bracket, Folio 112–2 A, MFC.
81. John Brackett's Petition, Folio 113–5, MFC.
82. *Middlesex County Court Minute Book,* 7 April 1685.
83. Mary Rhinelander McCarl, "Thomas Shepard's Record of Relations of Religious Experience, 1648–1649," *William and Mary Quarterly* 3rd. ser., vol. 48., no. 3 (July 1991): 452–55.

84. Daniel Gookin, *Historical Collections of the Indians in New England: Of Their Several Nations, Numbers, Customs, Manners, Religion and Government, before the English Planted There,* ed. Jeffrey H. Fiske (Towtaid, 1970), 77.
85. Karen Halttunen, "The Murderer as Common Sinner," chap. in *Murder Most Foul: The Killer and the American Gothic Imagination* (Cambridge, MA: Harvard University Press, 1998).
86. Roger Thompson, *Sex in Middlesex: Popular Mores in a Massachusetts County, 1649–1699* (Amherst: University of Massachusetts Press, 1986), 103.
87. *The Records of the Town of Cambridge (Formerly Newtowne), 1630–1703* (Cambridge, MA: John Wilson and Son, 1901), 167, 175, 181.
88. *The Vital Records of Roxbury, Massachusetts to the End of the Year 1850* (Salem, MA: Essex Institute, 1925), 266–67.
89. McCarl, "Thomas Shepard's Record," 442–43.
90. Threlfall, *Fifty Great Migration Colonists,* 65–71.
91. See also Norton, "A Little Monarchy," chap. in *Founding Mothers and Fathers,* 96–137.
92. Norton, *Founding Mothers and Fathers,* 39, 47–48.

2. CONTRARY TO THE LAWS OF GOD AND THIS JURISDICTION

1. Deuteronomy prescribes death for the crime of adultery, but it does not mention a punishment for sex between a married man and a single woman. Whipping was the common punishment in Massachusetts Bay.
2. Mary Beth Norton, *Founding Mothers and Fathers: Gendered Power and the Forming of American Society* (New York: Alfred A. Knopf, 1996), 342–43.
3. Elizabeth Holmes's Complaint, Folio 34-IV, MFC; *Middlesex County Court Minute Book,* 6 October 1663, transcription by David Pulsifer, Massachusetts Archives, Boston. Twenty-three-year-old Hannah Stevenson also complained that Thomas Longhorne pursued her. See Hannah Stevenson's Further Examination, Folio 78-III, MFC.
4. David Hall, *Worlds of Wonder, Days of Judgment: Popular Religious Belief in Early New England* (Cambridge, MA: Harvard University Press, 1989). Other historians have described New England's religious culture as more fragmented. See especially Richard P. Gildrie, *The Profane, the Civil, and the Godly: The Reformation of Manners in Orthodox New England, 1679–1749* (University Park: Pennsylvania State University Press, 1994); and Richard Godbeer, *The Devil's Dominion: Magic and Religion in Early New England* (Cambridge: Cambridge University Press, 1992). My research suggests that the arguments in all three of these books have merit, but David Hall's model of a single culture filled with competing and complementary influences best fits the evidence I have encountered. My work parts with Hall primarily in its focus. While Hall's book is a study of popular religion, mine draws on popular religion to explore how seventeenth-century colonists made sense of sex. Hall's Puritans remain in a primarily supernatural realm as befits the parameters of his study. Because my overall focus is not on spirituality, my Puritans venture more

widely, and their blendings of religious and secular ideas tend to be more eclectic, idiosyncratic, and, frequently, self-serving.

5. Genesis 39:7 and 9 (King James Version—hereafter KJV).
6. Genesis 39:1–20 (KJV).
7. Ruth Shed's Deposition, Folio 91–5, MFC.
8. William Beale's Deposition, and Samuel Hunting's Deposition, Folio 125-IV, MFC.
9. Deuteronomy 22:29 (KJV).
10. Norton, *Founding Mothers and Fathers,* 348.
11. Samuel Hunting's Deposition, Folio 125-IV, MFC.
12. An Addition to William Beale's Deposition, and a Further Addition to William Beale's Deposition, Folio 125–4, MFC.
13. 2 Samuel 11:2–27 (KJV). Quote is from verse 27.
14. Anonymous, "David and Bathsheba. To a Pleasant Tune" (London, 1670).
15. Richard Nevars's Answer, Folio 71-I, MFC.
16. Anna Gardiner's Petition, Folio 71-I, MFC.
17. 2 Samuel 13:1–36 (KJV).
18. Anna Gardiner's Petition, Folio 71-I, MFC.
19. Richard Gardiner's Declaration, Folio 71-I, MFC.
20. Elizabeth Dane's Deposition, Folio 95–3, MFC.
21. Increase Mather, *Solemn Advice to Young Men, Not to Walk in the Wayes of Their Heart, and in the Sight of Their Eyes; but to Remember the Day of Judgment* (Boston: Bartholomew Green, 1695), 48–49. A slightly different version of the story may be found in Cotton Mather, *Warnings from the Dead, or a Solemn Admonition unto All People; but Especially Young Persons to Beware of Such Evils as Would Bring Them to Death* (Boston: Bartholomew Green, 1693), 66.
22. Richard Gardiner's Damages, Folio 71–1, MFC.
23. Verdict, Folio 71–1, MFC.
24. Edmund Pinson to Richard and Bridget Dexter, Folio 42–2, MFC.
25. Authorship of these documents is, of course, problematic. In many cases the handwriting and spelling are eclectic enough to suggest that they were written by someone of limited education. However, it is always possible that some of these petitions were dictated or that they were actually composed by someone other than the signer. Roger Thompson, studying confessions from Middlesex County, found "Many petitions are in scriveners' hands, and the similarity of formulae suggests that heartfelt cries of sorrow might be bought by the yard." As should be clear from the following, I disagree. See Roger Thompson, *"Sex in Middlesex: Popular Mores in a Massachusetts County, 1649–1699* (Amherst: University of Massachusetts Press, 1986), 57.
26. In some cases, couples confessed together in a single document.
27. John Williams, *Warnings to the Unclean: In a Discourse from Rev. XXI, 8. Preacht at Springfield Lecture, August 25th, 1698, At the Execution of Sarah Smith* (Boston: B. Green and J. Allen, 1699), 6.
28. Ebenezer Austin's Petition, Folio 123–1, MFC; Daniel and Mary Smith's Petition, Folio 44–3, MFC; Hannah Spring's Petition, Folio 108–2, MFC.
29. Mary Ball's Petition, Folio 55–2, MFC; Hannah Spring's Petition, Folio 108–2, MFC.
30. Samuel and Lydia Wright's Petition, Folio 36–3, MFC.

31. Walter Pore's Petition, Folio 28–5, MFC.
32. John Woodward's Petition, Folio 108–2, MFC.
33. Williams, *Warnings to the Unclean,* 6–7.
34. Cotton Mather, "Reflections on the Dreadful Case of Sin Punished with Sin," in *Pillars of Salt: An History of Some Criminals Executed in this Land, for Capital Crimes, with Some of Their Dying Speeches* (Boston: B. Green and J. Allen, 1699), 23–24. See also Williams, *Warnings to the Unclean,* 15–16.
35. Hepsibah Taylor's Petition, Folio 167–1, MFC.
36. Hannah Spring's Petition, Folio 108–2, MFC.
37. Susannah Woodward's Petition, Folio 59–1, MFC.
38. Joseph Bent's Petition, Folio 43–5, MFC.
39. Deliverance Pollard's Petition, no. 3452, vol. 39, p. 37, Suffolk Files Collection, Massachusetts Archives, Boston (hereafter cited as SFC).
40. Elizabeth Bent's Petition, Folio 55–2, MFC.
41. John Woodward's Petition, Folio 108–2, MFC.
42. Sarah Vinton's Petition, Folio 94–2, MFC.
43. For an excellent discussion of the relationship between sin and the devil, see Elizabeth Reis, *Damned Women: Sinners and Witches in Puritan New England* (Ithaca, NY: Cornell University Press, 1997), 12–54.
44. Williams, *Warnings to the Unclean,* 5, 15–16.
45. Patrick Ker, *Map of Man's Misery, Or, The Poor Man's Pocket-Book: Being a Perpetual Almanack of Spiritual Meditations: or Compleat-Directory for One Endless Week* (Boston: Samuel Phillips, 1692), 65.
46. Abigail Grant's Petition, Folio 26–3, MFC.
47. John Woodward's Petition, Folio 108–2, MFC.
48. Samuel and Lydia Wright's Petition, Folio 36–3, MFC.
49. Hannah Brackett's Petition, Folio 112–2, MFC.
50. Walter Pore's Petition, and Trial Pore's Petition, Folio 28–5, MFC.
51. Hepsibah Taylor's Petition, Folio 167–1, MFC.
52. Elizabeth Reis has found a fundamental disjunction in the ways in which men and women approached the concept of sin in the late seventeenth century. She finds that men tended to locate sin outside of their essential selves. Sin was something they did rather than something they were. Women, on the other hand, seem to have taken the ideas of original sin and innate human depravity more to heart. Women not only committed discrete sins, but, more important, tended to conceive of themselves as essentially sinful. I have not found the same disjunction in fornication confessions. Most of the confessors, male and female, tended to locate sin as a discrete act outside of, although sometimes stemming from, their essential natures. Deliverance Pollard confessed that she had a "vile heart," but most petitions sounded more like Mary Ball's. She confessed to the "abominable" sin of fornication. Although she blamed her own heart, her sin, not her heart, was abominable. The difference between my findings and Reis's may be an issue of genre. The purpose of these confessions was to confess a particular sin, so it may not be surprising that confessors focused on the sin rather than the sinner. See Reis, "Women's Sinful Natures and Men's Natural Sins," chap. in *Damned Women,* 12–54.

53. Hannah Brackett's Petition, Folio 112–2, MFC.
54. Sarah Ward's Petition, Folio 163–1, MFC.
55. Sarah Vinton's Petition, Folio 94–2, MFC.
56. Trial Pore's Petition, Folio 28–5, MFC.
57. Hannah Spring's Petition, Folio 108–2, MFC.
58. Roger Thompson, inexplicably, claims that none of the petitions mentioned disobedience to parents. See Thompson, *Sex in Middlesex,* 56.
59. Joseph Grant's Petition, Folio 80–3, MFC.
60. Hannah Spring's Petition, Folio 108–2, MFC.
61. John Thompson's Petition, Folio 95–2, MFC. Thompson's petition was, of course, not one of the confessions, since he denied having intercourse with Sarah Vinton.
62. Ebenezer Austin's Petition, Folio 123–1, MFC; Joseph Bent's Petition, Folio 43–5, MFC.
63. Joseph Bent's Petition, Folio 43–5, MFC; Hebrews 13:4.
64. As David Hall put it, "Thanks in part to sermons, lay men and women became fluent in the language of spiritual experience. . . . Having once acquired the basic foundations of their world-view from meetinghouse and minister, they were then capable of building upon these foundations, of exercising self-confident, independent judgment on the major issues of their lives." See Hall, *Worlds of Wonder,* 119.
65. Mary Ball's Petition, Folio 55–2, MFC
66. Susannah Woodward's Petition, Folio 59–1, MFC.
67. Joseph Bent's Petition, Folio 43–5, MFC.
68. Ebenezer Austin's Petition, Folio 123–1, MFC
69. Anna Gardiner's Petition, Folio 71-I, MFC.
70. Cotton Mather, "Reflections on the Dreadful Case of Sin Punished with Sin," in *Pillars of Salt,* 4.
71. The exceptions occur in the period 1688–1692, when Massachusetts Bay was stripped of its charter. These almanacs are notably different.
72. Hugh Amory writes that the largest New England run was two thousand copies of the revised Indian Bible. Catechisms and primers were produced in runs of about one thousand. All other works ran to five hundred or fewer copies at a printing. See Hugh Amory, "Printing and Bookselling in New England, 1638–1713," in *The Colonial Book in the Atlantic World,* ed. Hugh Amory and David Hall (Cambridge: Cambridge University Press, 2000), 105, 107.
73. *The General Laws and Liberties of the Massachusetts Colony: Revised & Re-printed, by Order of the General Court Holden at Boston, May 15th, 1672* (Cambridge, MA: Samuel Green, 1672), 26.
74. Elizabeth Mellins's Deposition, Folio 167–3, MFC.
75. Mary Sanders's Petition, no. 1360, 15:94, SFC.
76. Phillip English's Deposition, no. 1360, 15:94, SFC.
77. George Francis Dow, ed., *Records and Files of Quarterly Courts of Essex County,* vol. 4 (Salem: MA: Essex Institute, 1914), 200 (30 November 1669).
78. Daniel Webb's Deposition, Philip English's Deposition, and Stephen Swasy's Deposition, no. 1360, 15:94, SFC.

79. For family information, see James Savage, *A Genealogical Dictionary of the First Settlers of New England* (Boston: 1860–1862); Henry Wyckoff Belknap, "The Burnap-Burnett Genealogy," *Essex Institute Historical Collections* 56, no. 4 (October 1920): 267–74; ibid., vol. 57, no. 3 (July 1921): 177–79.
80. Sarah Cooper's Petition, no. 2236, 27:77, SFC.
81. *Records of the Court of Assistants of the Colony of the Massachusetts Bay, 1630–1692,* vol. 1, ed. John Noble (Boston: Rockwell and Churchill Press, 1901), 30–31 (1674) and 168 (9 August 1680), hereafter *Records of the Court of Assistants.*
82. John Holland's Deposition, no. 2553, 31:14, SFC.
83. Henry Stary's Deposition, no. 4845, 50:121, SFC.
84. Abigail Johnson's Petition, no. 2628, 38:85, SFC.
85. Elizabeth Lawson's Deposition, no. 913, 9:117, SFC.
86. Ibid., p. 118.
87. *Records of the Court of Assistants,* 1:326 (10 April 1690).
88. Elizabeth Stevens's Petition, Massachusetts Archives Collection (hereafter cited as MAC), vol. 9 (Domestic Relations), p. 52, Massachusetts Archives, Boston.
89. John Lamb's Deposition, MAC, 9:56.
90. Benedict Arnold to Elizabeth Stevens, MAC, 9:53.
91. George Elliott Howard, *A History of Matrimonial Institutions, Chiefly in England and the United States with an Introductory Analysis of the Literature and the Theories of Primitive Marriage and the Family*, vol. 2 (Chicago: University of Chicago Press, 1904; repr., New York: Humanities Press, 1964), 333.

3. Lawful Remedies, Diabolical Erections, and an Unwanted Suitor

1. Sarah Crouch's Testimony, Folio 52–3, MFC.
2. Edmund Morgan, "The Puritans and Sex," *New England Quarterly* 15, no. 4 (December 1942): 594. For a contrasting view, see Kathleen Verduin, "'Our Cursed Natures': Sexuality and the Puritan Conscience," *New England Quarterly* 56, no. 2 (June 1983): 200–237. The difference between Morgan and Verduin is primarily one of emphasis. Both acknowledge that marriage and marital sex were always to be subordinated to the glory and love of God. Verduin places more emphasis on this restriction. Both acknowledge that while marital sex was often celebrated, nonmarital sex was roundly condemned. Verduin emphasizes the latter.
3. *Aristotle's Masterpiece* (London: J. How, 1684), 76–91; *The Problems of Antonius Zimarus,* Question 47, unpaginated, bound with *The Problems of Aristotle, With Other Philosophers and Physicians* (London: John Raworth, 1638).
4. *Problems of Aristotle,* "Of the Hair," unpaginated.
5. Martin Luther, "The Estate of Marriage," in *Luther's Works,* vol. 45, "The Christian in Society II," ed. Walther Brandt and Helmut T. Lehmann (Philadelphia: Fortress Press, 1962), 21–22.
6. Cotton Mather, *Ornaments for the Daughters of Zion, Or The Character and Happiness of a Vertuous Woman: in a Discourse which Directs the Female-Sex how to*

Express, the Fear of God in Every Age and State of their Life; and Obtain Both Temporal and Eternal Blessedness (Cambridge, MA: Samuel and Bartholomew Green, 1691), 77.

7. William Secker, *A Wedding Ring for the Finger; the Salve of Divinity, on the Sore of Humanity. Directions to Those Men Who Want Wives, How to Choose Them; and to Those Women Who Have Husbands, How to Use Them* (Boston: Samuel Green for Benjamin Harris, 1690), unpaginated.
8. James Fitch, *An Explanation of the Solemn Advice, Recommended by the Council in Connecticut Colony, to the Inhabitants of that Jurisdiction, Respecting the Reformation of those Evils, which Have Been the Procuring Cause of the Late Judgments upon New-England* (Boston: S. Green, 1683), 38–39.
9. John Downame, *A Guide to Godlynesse Or, A Treatise of a Christian Life* (London: Felix Kingstone, 1622), 155–56.
10. Ibid.
11. John Downame, *The Conflict between the Flesh and the Spirit, Or The Last Part of The Christian Warfare* (London: William Jones, 1618), 63.
12. *Aristotle's Masterpiece: Or, The Secrets of Generation* (London: W. B., 1694), 56.
13. William H. Whitmore, ed., *The Colonial Laws of Massachusetts Reprinted from the Edition of 1672, with the Supplements through 1686, Containing also a Bibliographical Preface and Introduction, Treating All of the Printed Laws from 1649 to 1686 Together with the Body of Liberties of 1641 and the Records of the Court of Assistants, 1641–1644* (Boston: Rockwell and Churchill, 1890), 51 (hereafter *Colonial Laws of Massachusetts*).
14. *Middlesex County Court Minute Book,* 7 October 1679, transcription by David Pulsifer, Massachusetts Archives, Boston. John Roy and his wife attempted to make what was probably a similar argument when they were called to answer for premarital fornication in 1663. They told the Middlesex County Court that "being hindered of mariage," they "were overcome by the temptaccon." The court, in this case, was unimpressed and fined them forty shillings. See *Middlesex County Court Minute Book,* 16 June 1663.
15. D. Kelly Weisberg, "'Under Greet Temptations Heer': Women and Divorce in Puritan Massachusetts," *Feminist Studies* 2, no. 2/3 (1975): 187–88.
16. After 1692, when the governor and council assumed jurisdiction over divorce cases, only the innocent party was allowed to remarry. See Nancy F. Cott, "Divorce and the Changing Status of Women in Eighteenth-Century Massachusetts," *William and Mary Quarterly,* 3rd ser., vol. 33, no. 4 (October 1976): 588–90.
17. Mary Toothaker's Deposition, Folio 95–1, MFC.
18. Elizabeth Dane's Deposition, Folio 95–3, MFC.
19. Hannah Stevenson's Further Examination, Folio 78–3, MFC.
20. Elizabeth Holmes's Account, Folio 34–4, MFC.
21. Various papers, Folio 95–3, MFC.
22. Elizabeth Dane's Deposition; Bridget Dretter's Deposition, Folio 31–1, MFC.
23. Marylynn Salmon, *Women and the Law of Property in Early America* (Chapel Hill: University of North Carolina Press, 1986), 60–61; Weisberg, "'Under Greet Temptations Heer,'" 183–93.

24. Recently, Tim Stretton has contested the long-standing assumption that pre-Restoration England was a fundamentally divorceless society. Stretton has found that English couples pursued, and won, *a mensa et thoro* separations in a variety of courts other than the ecclesiastical courts. His work demonstrates that English divorces *a mensa et thoro* were probably more common than previous historians have believed and that separation agreements, because they were sometimes obtained in courts which relied on the common law, may have been, in some cases, easier to enforce than previous historians have believed. Stretton does not, however, make an argument that divorce *a vinculo,* or divorce with the right to remarry, was available without an act of Parliament in the seventeenth century. Stretton notes that there were some popular misconceptions regarding the terms of *a mensa et thoro* divorces and that some couples remarried because they understood separations of bed and board to have terminated their marriages. This misunderstanding probably accounts for the tales of Massachusetts men who believed that they had grounds for a divorce in England. See Tim Stretton, "Marriage, Separation and the Common Law," in *The Family in Early Modern England,* ed. Helen Berry and Elizabeth Foyster (Cambridge: Cambridge University Press, 2007), 18–39.
25. Cott, "Divorce and the Changing Status of Women," 587–90.
26. Hannah Eyres's Petitions, MAC, 9:114, 117, 118. Hannah Eyres petitioned for divorce three times.
27. Margaret Bennet's Petition, MAC, 9:46.
28. Sarah Rogers's Petition, MAC, 9:148.
29. Elias White's Answer, MAC, 9:43–44; Margaret Bennett's Petition, MAC, 9:46; Thomas A. Foster, "Deficient Husbands: Manhood, Sexual Incapacity, and Male Marital Sexuality in Seventeenth-Century New England," *William and Mary Quarterly,* 3rd ser., vol. 56, no. 4 (October 1999): 737.
30. Foskett's inventory does include field, pasture, and woodlots, but all of these were small pieces of land, and none was evidently suitable for building a house. See "Inventory of the Estate of John Foskett," Middlesex County Probate Records (hereafter cited as MCPR), vol. 7, p. 46, Massachusetts Archives, Boston.
31. John Foskett's Will, MCPR, 4:4.
32. John and Hannah Foskett did not have any children together. John had nine children by his first wife, Elizabeth. Only one of these appears to have predeceased him. Hannah Liscomb Foskett, John Foskett's second wife, brought two sons to the marriage. John Foskett's four minor children ranged in age from eight to seventeen at the time of his death. The age of Hannah Liscomb Foskett's children is unknown. See Thomas Bellows Wyman, *The Genealogies and Estates of Charlestown, in the County of Middlesex and Commonwealth of Massachusetts, 1629–1818* (Boston: David Clapp and Son, 1879; repr., Somersworth, NH: New England History Press, 1982), 360, 610; and Marion Martin Foskett, *A Foskett Line: Some Descendants & Allied Families of John Foskett of Charlestown, Massachusetts* (Baltimore: Gateway Press, 1987), 4–6.
33. Hannah Foskett's Petition, MCPR, Miscellaneous Papers, p. 158. Nathaniel Wood and his family were living in the house. In his deposition concerning the case, he refers to John Foskett as "my father John foskit," which indicates that he married

one of John Foskett's daughters. See Nathaniel Wood's Deposition, MCPR, Miscellaneous Papers, p. 159.

34. Will of Robert Leach, Suffolk County Probate Records, vol. 10, pp. 294–95, Massachusetts Archives, Boston.
35. For a thorough discussion of women, marriage, and property rights, see Salmon, *Women and the Law of Property.*
36. John Mousall's Deposition, MCPR, Miscellaneous Papers, p. 159.
37. Thomas Lynde's Deposition, MCPR, Miscellaneous Papers, p. 159.
38. M. M. Foskett, *A Foskett Line,* 4.
39. John Foskett's Complaint, Folio 185–1, MFC.
40. Will of John Foskett; Inventory of the Estate of John Fosket.
41. Will of Ralph Mousall, MCPR, 1:102.
42. Elizabeth Mousall's Deposition, and Ursula Cole's Deposition, Folio 34–3, MFC.
43. James Rueff, *The Expert Midwife, Or An Excellent and Most Necessary Treatise of the Generation and Birth of Man* (London: E. Griffin, 1637). There is a small literature on reading popular medical works in early America. This literature focuses on *Aristotle's Masterpiece,* which dealt primarily with matters related to sex and reproduction. Otho Beall and Vern Bullough have argued that the primary value of these books was pornographic. However, I would argue that although *Aristotle's Masterpiece* was sometimes read for sexual titillation, the information about intercourse, disease, and reproduction had significant "legitimate" use as well. Mary Fissel's work is more insightful. She has argued that although *Aristotle's Masterpiece* was sometimes read (and may, in part, have been intended to be read) as sexually titillating, it was used in a wide variety of ways. She also argues that the ultimate message of the book, ironically, was that the female body was unknowable. See Mary Fissel, "Making a Masterpiece: The Aristotle Texts in Vernacular Medical Culture," in *Right Living: An Anglo-American Tradition of Self-Help Medicine and Hygiene,* ed. Charles E. Rosenberg (Baltimore: Johns Hopkins University Press, 2003), 59–87; Mary Fissell, "Hairy Women and Naked Truths: Gender and the Politics of Knowledge in *Aristotle's Masterpiece,*" *William and Mary Quarterly,* 3rd. ser, vol. 60, no. 1 (January 2003): 43–74.
44. Laurel Thatcher Ulrich, *Good Wives: Image and Reality in the Lives of Women in Northern New England, 1650–1750* (New York, Alfred A. Knopf, 1980), 35–50.
45. Edith Murphy, "Skillful Women and Jurymen: Gender and Authority in Seventeenth-Century Middlesex County, Massachusetts" (Ph.D. diss., University of New Hampshire, 1998), n. 2.
46. Paul Wilson's Deposition, Folio 34–3, MFC.
47. Elizabeth Mousall's Deposition, Folio 34–3, MFC.
48. Paul Wilson had some sort of intimate connection with both the Mousalls and the Cole family. Wilson was convicted of disorderly carriage, involving violence against unspecified property, on 6 December 1662. John Mousall paid his fine. See *Middlesex County Minute Book,* 6 December 1662. In 1675, Elizabeth Cole, daughter of John and Ursula Cole, was charged with fornication. Paul Wilson posted a £20 bond for her appearance in court. See Bond, Folio 70–3, MFC.
49. Elizabeth Mousall's Deposition, Folio 34–3, MFC; Paul Wilson's Deposition, Folio 34–3, MFC. Foskett's reference to the devil here was probably a reference to John

Mousall. Generally the second in command sits at the right hand of the person ultimately in charge—as in biblical references to Christ sitting at the right hand of God. Elizabeth Mousall, as the second in command under her husband, sat metaphorically at his right hand (and so he "sat" at her left).

50. Mary Beth Norton, "Gender and Defamation in Seventeenth-Century Maryland," *William and Mary Quarterly,* 3rd ser., vol. 44, no. 1 (1987): 3–39.
51. John Louden's Deposition, Folio 34–3, MFC.
52. Paul Wilson's Deposition, Folio 34–3, MFC.
53. John Louden's Deposition, Folio 34–3, MFC. Since Foskett was still living in a semi-dependent position, Mousall's comparison of Foskett to a child would have been particularly galling.
54. *Middlesex County Court Minute Book,* 16 June 1663.
55. The timing here is tricky. Ursula Cole said that Tirrell came to her on June 15, but in a different deposition she and her husband both claimed that Tirrell came after he had been convicted but before the court adjourned. If this is correct, then Tirrell must have come on June 16 or later. See Ursula Cole's Deposition, and John Cole's Deposition, Folio 34–3, MFC.
56. Elizabeth Mousall was probably expecting an attack of some sort. She asked her neighbor to stay in her house while she went to meeting the Sunday before the attack. Nichols reported that Tirrell did show up while Mousall was gone, but he left after an hour. Deposition of Mary Nichols, Folio 34–3, MFC.
57. Edmond Wright and Return Wayte's Deposition, Folio 34–3, MFC. They recounted what Paul Wilson told them.
58. Warrant, Folio 34–3, MFC.
59. Five people provided alibis: Joseph Batchelder, William Crouch, Robert and Mary Leach, and John Palmer. The Leaches were Foskett's mother- and father-in-law. See Wyman, *Genealogies and Estates of Charlestown.* The other three may have been attached to the Leach household as well. John Call testified that he had told John Mousall that he believed Foskett and Tirrell were alibied falsely, saying that he did not believe Robert Leach "nor knew not how to beleeue any of his house." See John Call's Deposition, Folio 34–3, MFC.
60. The 1637 English edition of *The Expert Midwife* cautions against just this sort of reading, warning "young and raw heads, Idle serving-men, prophane fidlers, scoffers, jesters, rogues; avant, pack hence; I neither meant it for you, neither is it fit for you." See Rueff, *Expert Midwife,* preface.
61. John Coddington's Deposition, Folio 71–1, MFC. For other men who meddled with women's medical or sexual advice literature, see Elizabeth Holmes's Deposition; Elizabeth Payne's Deposition, Folio 31–1, MFC; John Garland's Reasons of Appeal, and Henry Dow's Answer to John Garland's Reasons of Appeal, no. 1412, SFC.
62. Rueff, *Expert Midwife,* bk. 6, p. 14.
63. Wyman, *Genealogies and Estates of Charlestown,* 689.
64. Rueff, *Expert Midwife,* bk. 6, ch. 6, pp. 2–3.
65. Ibid., bk. 6, ch. 6.
66. Laura Gowing, *Domestic Dangers: Women, Words, and Sex in Early Modern London* (Oxford: Clarendon Press, 1996), 156–57.

67. Chilton Powell, "Marriage in Early New England," *New England Quarterly* 1 (July 1928): 323–34.
68. Richard Godbeer, *Sexual Revolution in Early America* (Baltimore: Johns Hopkins University Press, 2002), 34–37; Mary Beth Norton, *Founding Mothers and Fathers: Gendered Power and the Forming of American Society* (New York: Alfred A. Knopf, 1996), 66–67.
69. Susan Dwyer Amussen, *An Ordered Society: Gender and Class in Early Modern England* (Oxford: Basil Blackwell, 1988), 110.
70. Martin Townsend's Deposition, Folio 44–3, MFC.
71. William Symmes and Jonathan Poole's Deposition, Folio 66–6, MFC.
72. Susannah Woodward's Acknowledgment, Folio 59–1, MFC.
73. Samuel Hunting's Deposition, Folio 125–4, MFC.
74. Martin Townsend's Deposition, Folio 44–3, MFC.
75. Nathaniel Cutler's Deposition, Folio 70–3, MFC.
76. Edmund Pinson's Petition, Folio 42–2, MFC.
77. Richard Dexter's Declaration, Folio 42–2, MFC. There are two declarations by Richard Dexter.
78. George Francis Dow, ed., *Records and Files of the Quarterly Courts of Essex County, Massachusetts,* vol. 3 (Salem, MA: Essex Institute, 1913), 321 (May 1666), 352 (September 1666), 398 (March 1667), 448 (September 1667).
79. Edmund Pinson's Petition, Folio 42–2, MFC. Pinson claimed that Richard Dexter asked him to write the letter. That is possible. However, it seems likely that Pinson included this detail in order to portray Richard Dexter as an illiterate man. Pinson later claimed that Dexter asked him to write out the marriage banns and then signed them with a mark. Other evidence shows, however, that Dexter was signature literate. Although it is possible that Dexter was incapable of writing a letter, this does not seem likely. Rather it seems to fit with Edmund Pinson's interpretation of the Dexters as a bunch of colonial "rustiks."
80. Edmund Pinson's Petition, Folio 42–2, MFC.
81. George Tushingham's Deposition, Folio 42–2, MFC.
82. Andrew Robinson's Deposition, Folio 42–2, MFC.
83. Richard Dexter's Declaration, Folio 42–2, MFC.
84. Edmund Pinson's Petition, Folio 42–2, MFC.
85. Richard Dexter's Declaration, Folio 42–2, MFC.
86. Edmund Pinson's Petition, Folio 42–2, MFC.
87. Dow, *Records and Files of Quarterly Courts of Essex County,* vol. 3, p. 444 (September 1667).
88. Edmund Pinson to Richard Dexter, Folio 42–2, MFC.
89. Gowing, *Domestic Dangers,* 159–64; Richard Dexter's Declaration, Folio 42–2, MFC.
90. Richard Dexter's Declaration, Folio 42–2, MFC.
91. Edmund Pinson's Petition, Folio 42–2, MFC.
92. Ibid.
93. Richard Dexter's Declaration, Folio 42–2, MFC.
94. Edmund Pinson's Petition, Folio 42–2, MFC.
95. Richard Dexter's Declaration, Folio 42–2, MFC.

96. Edmund Pinson's Petition, Folio 42–2, MFC.
97. Edmund Pinson to Michael Wigglesworth, Folio 42–2, MFC.
98. Edmund Pinson's Petition, Folio 42–2, MFC.
99. Stephen Francis's Deposition, 42–2, MFC. Francis states that the Dexters welcomed him as a "Cuzzen" on Pinson's behalf. Pinson does not appear to have had any blood relatives in Massachusetts. His first wife was Anna Sparhawk. See Cecil Hampden Cutts Howard, "Materials for a Genealogy of the Sparhawk Family in New England," *Essex Institute Historical Collections* 25, no. 1 (Salem, MA: Essex Institute, 1888): 32.
100. Edmund Pinson's Petition, Folio 42–2, MFC.
101. Edmund Pinson to Richard and Bridget Dexter, Folio 42–2, MFC.
102. Edmund Pinson's Petition, Folio 42–2, MFC.
103. Edmund Pinson to Richard and Bridget Dexter, Folio 42–2, MFC.
104. Alice Francis's Deposition, Folio 42–2, MFC.
105. Edmund Pinson's Petition, Folio 42–2, MFC.
106. George Tushingham's Deposition, Folio 42–2, MFC. Edmund Pinson would not have been able to obtain a full divorce in England. He, like many Englishmen, probably misunderstood the terms of divorce *a mensa et thoro* in England and believed that such a separation would allow him to remarry. See Stretton, "Marriage, Separation and the Common Law," 36–37.
107. For an interpretation that suggests that fathers lacked power within their own families, see Roger Thompson, *Sex in Middlesex: Popular Mores in a Massachusetts County, 1649–1699* (Amherst: University of Massachusetts Press, 1986).

4. THE RAPE OF ELIZABETH PIERCE

1. Samuel Sewall, *The History of Woburn, Middlesex County, Massachusetts, from the Grant of Its Territory to Charlestown, in 1640, to the year 1680* (Boston: Wiggin and Lunt, 1868), 119.
2. Dinah Knight's Deposition, Folio 71–3, MFC.
3. Mary Pierce's Deposition, Robert Pierce's Deposition, and John Craggon's Deposition, Folio 71–3, MFC.
4. Deuteronomy 22:25–29.
5. Mary Beth Norton, *Founding Mothers and Fathers: Gendered Power and the Forming of American Society* (New York: Alfred A. Knopf, 1996), 348.
6. Edgar J. McManus, *Law and Liberty in Early New England: Criminal Justice and Due Process, 1620–1692* (Amherst: University of Massachusetts Press, 1993), 31–33; *The General Laws and Liberties of the Massachusetts Colony: Revised and Re-printed By Order of the General Court Holden at Boston, May 15th. 1672* (Cambridge: Samuel Green, 1672), 15.
7. For examples, see Case of Elizabeth Glasier and Timothy Brookes, Folio 30–2, MFC; Case of William Bucknam, Folio 31–1, MFC; Case of Jonathan Phillips, Folios 40–2 and 42–3, MFC; Rachel Smith v. Robert Shepard, Folio 44–3, MFC; Case of Thomas Hawes, Folio 47–2, MFC; Elizabeth Wells v. James Tufts, Folio 52–2, MFC; Case of

Anna Gardiner and Richard Nevars, Folio 71–1, MFC; Case of Robert Montgomery, Folio 72–3, MFC; Case of Joseph Grant and Sarah Fiske, Folio 80–3, MFC; Case of Thomas Wilkinson, Folio 91–5, MFC; Case of John Harris Jr. and Sr., Folio 94–3, MFC; Case of John Law, Folio 95–3, MFC; Case of William Healy and Mary Lovell, Folio 102–5, MFC; Case of George Newby, Folio 124–2, MFC; Case of John Rowe, Folio 125–4, MFC; Case of Mary Knight and Phillip Darland, no. 2216, SFC; Case of Elizabeth Hill, no. 26125, SFC. The reader should keep in mind that the 1660–1700 Court of Assistants records, where all charges of rape and some charges of attempted rape were filed, are substantially more complete than the file papers for Suffolk and Middlesex counties for the same period.

8. Samuel Hantinge's Deposition, Folio 125–4, MFC.
9. Deuteronomy 22:22–29.
10. McManus, *Law and Liberty in Early New England,* 35. In some cases, a preponderance of circumstantial evidence could substitute for a second witness.
11. John Noble, "Preface," in *Records of the Court of Assistants of the Colony of the Massachusetts Bay, 1630–1692,* vol. 1 (Boston: County of Suffolk, 1901), iii (hereafter cited as *Records of the Court of Assistants*).
12. Else L. Hambleton, "'Playing the Rogue': Rape and Issues of Consent in Seventeenth-Century Massachusetts," in *Sex without Consent: Rape and Sexual Coercion in America,* ed. Merril D. Smith (New York: New York University Press, 2001), 39. Hambleton has discovered that Peter Croy, the defendant in this case, was charged with not wearing a noose around his neck in Essex County in 1674. Hambleton assumes that symbolic capital punishment was the extent of Croy's sentence. However, when Bastian, a slave, was convicted of rape in 1676, his death sentence was commuted upon his master's petition. Bastian was then sentenced to thirty-nine stripes (the maximum allowed under Massachusetts law) and sentenced to wear a noose around his neck so long as he remained within the jurisdiction of Massachusetts under the penalty of an additional twenty stripes. It seems likely that Peter Croy's sentence was similar. See Robert Cox's petition, no. 1501, SFC.
13. My interpretation of the way in which Massachusetts courts dealt with rape accusations differs substantially from that of Else Hambleton. Hambleton argues that Massachusetts courts were reluctant to punish men for rape and particularly reluctant if the victim was a single, adult female. She is certainly correct that most of the men who were convicted of rape were convicted of raping children or married women. However, her interpretation of the way in which the Court of Assistants handled the cases actually brought before them seems to me to be flawed. She states that only five out of twelve men accused of rape were hanged, that one quarter of the women who brought rape complaints were punished for consensual sexual crimes, and that the Court of Assistants "abrogated their responsibility to try rape cases as capital crimes when the victims were single women" after Abigail Crane brought her complaint in 1683. These claims are both inaccurate and misleading. First, although five men were sentenced to death for rape in this period, only four were actually executed. Bastian, a slave, had his sentence commuted. Second, Hambleton ignores all punishments other than the death penalty. Other men were banished from the colony, sold into slavery, or whipped and sentenced to wear a noose. In three cases,

we simply do not know the outcome of the trials. Third, Hambleton badly misinterprets the case of Christopher Portingall, who was accused of raping Abigail Crane in 1683. According to Hambleton, Portingall confessed to the crime, and a vaginal examination performed on Crane indicated that penetration had occurred. Because the Court of Assistants referred the case to a lower court, Hambleton concluded that they had refused to try the case because Crane was unmarried. However, what the Court of Assistants entry says is that Portingall stood accused of rape "by hir Confession & examination." Crane's—not Portingall's—"confession" was what she told the magistrates without prompting. "Examination" can refer to a physical examination, but in this context it almost certainly means what Crane told the magistrates when they questioned her. The magistrates were not satisfied by Crane's answers, and they remanded both parties to the county court. It is possible that Crane was punished for a consensual sexual act, but, since the Middlesex County minute book for 1683 is not extant, we will probably never know the outcome of the case. Therefore, two, not three (and so 17 percent, not 25 percent) of the women who brought charges of rape are known to have been punished or "declared culpable" for consensual sexual activities. Finally, the Court of Assistants tried Henry Toltwood for raping Elizabeth Horsely, "a Maid of the Age of Eighteen years," in 1690. The fact that they found him not guilty by no means indicates that they had "abrogated their responsibility" to try rape cases involving single women. See Hambleton, "'Playing the Rogue,'" 35, and Noble, *Records of the Court of Assistants,* 1:230, 336.

14. *Records of the Court of Assistants,* 1:50 (1675). The file papers for this case may be found in SFC, no. 1414.
15. Hambleton, "'Playing the Rogue,'" 36–37; Norton, *Founding Mothers and Fathers,* 52–53.
16. Johanna Farrer's Deposition, Folio 30–2, MFC.
17. Elizabeth Glasier's Examination, Folio 30–2, MFC.
18. Warrant, Folio 30–2, MFC. Thomas Brookes was convicted on a lesser charge.
19. Warrant, Folio 71–3, MFC.
20. Benjamin Simonds's Examination, Folio 71–3, MFC.
21. Benjamin Simonds's Bond, Folio 71–3, MFC. William Clark, George Brush, John Barker, and Roger Chandler acted as Benjamin's sureties. William Clark was George Brush's father-in-law; he was also married to Margaret Clark, who was a deponent in the case. John Barker and Roger Chandler were Benjamin Simonds's brothers-in-law. See Edward F. Johnson, *Genealogical Sketch of William Simonds* (1889), 7; Charles H. Chandler, *The Descendants of Roger Chandler of Concord, Mass., 1658* (Provo, UT: Herald Printing Co., 1949), 24; Sewall, *History of Woburn.*
22. Judith Simonds's Petition, Folio 71–3, MFC.
23. Robert Pierce's Bill of Costs, Folio 71–3, MFC.
24. There were at least one hundred households in 1685. See Sewall, *History of Woburn,* 52.
25. John Josselyn, *An Account of Two Voyages to New England* (London: Giles Widdows, 1674), 162.
26. "Subscription for the Building of Ye Town House," in *Proceedings of the Massachusetts Historical Society* (March 1858), 393–40.

27. *Records of the Court of Assistants,* 1:70–73 (14 September 1676).
28. The case between Elizabeth Pierce and Benjamin Simonds was ultimately heard by three different courts. All the surviving file papers that document this case come from the final hearing at Middlesex County Court held in Charlestown in December 1676. Theoretically, all file papers from the previous two hearings should have been deposited with the court at Charlestown. Many, but certainly not all, of these papers are dated, which makes it possible to determine when they were first entered into evidence. In a few cases, later depositions refer to earlier but undated papers. It is easy to place deponents for Elizabeth's side at various courts, because Robert Pierce listed these deponents when he submitted his court costs. Because Benjamin Simonds was ultimately sentenced to pay all court costs, he did not submit a bill of costs. It is, therefore, more difficult to determine when the deponents on Benjamin's side appeared in court, unless their depositions are dated.
29. Elizabeth Pierce's Deposition, Folio 71–3, MFC. I have presented the evidence here as if the depositions were read aloud in court, but we do not know precisely how evidence was given in seventeenth-century courts. In the English common-law courts, testimony was given orally. In Massachusetts Bay, a 1650 law required that all testimony be submitted in writing. This statute was not included in the 1660 and 1672 editions of the law, but other rules regarding evidence suggest that deponents were still required to submit their testimony in writing. However, another law states that written depositions could not be used as evidence unless the witness (so long as he or she lived within ten miles of the court) appeared to answer questions. The testimony may have been read aloud; certainly witnesses responded to questions verbally. Zechariah Chaffee Jr., "Introduction," in Samuel Eliot Morison, ed., *Records of the Suffolk County Court, 1671–1680,* vol. 1, in *Publications of the Colonial Society of Massachusetts,* vol. 29 (Boston: Published by the Society, 1933), pt. 1, xlviii–xlix.
30. Elizabeth Pierce's Deposition, Folio 71–3, MFC.
31. Robert Pierce's Deposition. Robert's son, Jonathan, corroborated his story.
32. Deuteronomy 22: 27 (KJV).
33. Francis Wyman's Deposition, Folio 71–3, MFC; Samuel and Sarah Walker's Deposition, Folio 71–3, MFC.
34. Sewall, *History of Woburn*.
35. Chandler, *Descendants of Roger Chandler*, 24; Johnson, *Genealogical Sketch of William Simonds* (1889), 4, 6–8; Frieda Antoinette Heywood Massara and Joseph J. Massara, *Heywood Genealogy: The Descendants of John Heywood of Concord, Massachusetts* (Albuquerque: F. A. H. Massara, 1992), 3–5; Sewall, *History of Woburn;* Wyman, *Genealogies and Estates of Charlestown* (1879. Reprint, Somersworth: New England History Press, 1982); G. W. Johnson, "William Johnson and His Descendants," *New England Historical and Genealogical Register* 33 (January 1879): 83, 87–88; Frederick Clifton Peirce, *Peirce Genealogy, Being the Record of the Posterity of John Pers, an Early Inhabitant of Watertown, in New England* (Worcester, MA: Press of Chas. Hamilton, 1880), 17–25; Henry F. Waters, "Genealogical Gleanings in England," *New England Historical and Genealogical Register* 48 (July 1894): 381–82; Vincent D. Wyman, *Wyman Historic Genealogy: Ancestors and Descendants (1595–1941) of Asa*

Wetherby Wyman (Coral Gables, FL: Parker Art Printing Association, 1941), 19–35; Thomas W. Baldwin, *Bacon Genealogy: Michael Bacon of Dedham, 1640, and His Descendants* (Cambridge, MA: Press of Murray and Emery Co., 1915), 29–30.

36. Michael and Mary Bacon's nephew Jacob married Elizabeth Knight. Elizabeth Knight was both Hannah Knight's cousin and Mary Pierce's niece. See G. W. Johnson, "William Johnson and his Descendants," 87–88.
37. Edward F. Johnson, *The Story of the Tidd Family of Woburn, Massachusetts, 1625–1915* (n.p.), 10. This edition was revised and expanded after Johnson's death.
38. Sewall, *History of Woburn*.
39. Jury of Matrons Findings, Folio 71–3, MFC.
40. Susannah Johnson and Margaret Clark's Deposition, Folio 71–3, MFC.
41. Benjamin Simonds's Examination, Folio 71–3, MFC.
42. Benjamin Simonds's petition to the court is undated, but internal evidence suggests that he presented it to the Middlesex County Court held in Charlestown. The petition makes reference to the testimony of John and Elizabeth Glasier, who testified at Benjamin's second trial, which was held at the Middlesex County Court in Cambridge. However, the petition is addressed to the court and jury. The trial at Cambridge never proceeded as far as a verdict, and there is no evidence that a jury was impaneled for Benjamin. Benjamin was tried by jury at his third trial in Charlestown.
43. Benjamin Simonds's Petition, Folio 71–3, MFC. I have been unable to locate the Simonds family's pasture. Judith Simonds testified that it was located "full half a mile" from their house. Much of the pastureland in Woburn was on the edge of town, and it is likely that that is where the meeting between Elizabeth Pierce and Benjamin Simonds took place. See also Edward F. Johnson, *Abstracts of Early Woburn Deeds, Recorded at Middlesex Registry, 1649–1700* (Woburn, MA: News Print, 1895).
44. *General Laws and Liberties* (1672), 15.
45. Michael Dalton, *The Countrey Justice, Containing the Practice of the Justices of the Peace Out of Their Sessions* (London: Miles Fletcher, James Haviland and Robert Young, 1635), 281. In the portions of this book that deal with rape, there are no substantial changes in the later seventeenth-century editions.
46. Sharon Block, "Consent and Coercion: Identity, Power and Social Consent," chap. in *Rape and Sexual Power in Early America* (Chapel Hill: University of North Carolina Press, for the Omohundro Institute of Early American History and Culture, 2006), 53–87.
47. Thomas and Elizabeth Hall's Deposition, no. 1836, SFC; Thomas Waters's Examination, no. 1836, SFC.
48. Joseph and Isaac Johnson's Deposition, no. 26619, SFC. John and Isaac Johnson were fourteen and twelve years old respectively.
49. *Records of the Court of Assistants,* 1:158 (2 March 1680).
50. Jury of Matrons Findings, Folio 79–3, MFC.
51. Jury of Matrons Findings, no. 1173, SFC.
52. Jane Sagmor's Deposition, no. 1173, SFC.
53. *Records of the Court of Assistants,* 3:216–7 (5 March 1672).

54. Abigail Chadwell's Deposition, no. 814, SFC; Jury of Matrons' Findings, no. 814, SFC; Goodwife Kettle's Deposition, no. 814, SFC.
55. Mary Lambert's Deposition, no. 1254, SFC.
56. Elizabeth Triscott's Deposition, no. 2024, SFC; Elizabeth Bolton's Deposition, no. 2024, SFC.
57. Isaac Johnson's Deposition, no. 1836, SFC.
58. Block, *Rape and Sexual Power in Early America,* 188–89.
59. John Glasier's Examination, Folio 11–3, MFC.
60. Mary Toothaker's Deposition, Folio 91–5, MFC.
61. Hezechia and John's Deposition, no. 1173, SFC.
62. Sarah Lambert's Examination, and Mary Lambert's Deposition, no. 1254, SFC.
63. Sarah Bursley's Examination, no. 814, SFC.
64. *Records of the Court of Assistants,* 1:199 (6 September 1681).
65. Elizabeth Triscott's Deposition, no. 2024, SFC.
66. Although it is possible that the jury refused to convict Benjamin Simonds of rape because Elizabeth did not produce two witnesses to the act itself, this is unlikely. In two rape cases from the 1670s, juries who believed that the defendant was guilty but who were not presented with two witnesses used circumstantial evidence to stand in for the second witness. In 1672, a jury convicted Twenty Rod of raping Betty on the strength of her testimony and strong circumstantial evidence. In 1673, a jury found that the evidence from Sarah Lambert's body, her statement, and her sister's testimony that Sarah cried out to be two sufficient witnesses. See Verdict, no. 1173, SFC, and Verdict, no. 1254, SFC.
67. *Records of the Court of Assistants,* 1:73 (13 September 1676).
68. For evidence that the county court sat at the Blue Anchor Tavern, see Edith Murphy, "Skillful Women and Jurymen: Gender and Authority in Seventeenth-Century Middlesex County, Massachusetts" (Ph.D. diss., University of New Hampshire, 1998), 38. For the tavern's location, see Lucius Paige, *History of Cambridge, Massachusetts, 1630–1877* (Boston: H. O. Houghton and Co., 1877), 224 and map.
69. Robert Pierce's Petition, Folio 71–3, MFC.
70. Some of the testimony that casts doubt on Dinah Knight's character or veracity is undated. All the testimony that can be linked to a particular court, either by date or by the clerk of court's signature, is from the Cambridge court.
71. Sarah Heywood, Judith Barker, and Mary Chandler's Deposition, Folio 71–3, MFC. For family relationships see Johnson, *Genealogical Sketch of William Simonds,* 6–7; and Massara and Massara, *Heywood Genealogy*, 4.
72. Benjamin Simonds's Petition, Folio 71–3, MFC.
73. Sarah's husband, John Heywood, acted as surety for Benjamin's bond for the Cambridge court. John Barker, Judith Barker's husband, and Roger Chandler, Mary Chandler's husband, acted as sureties for Benjamin's bond for the Court of Assistants. See Benjamin Simonds's Bonds, Folio 71–3, MFC.
74. This testimony is marked with the signature of the Cambridge clerk of court and so was probably not given in at the Court of Assistants. If Glasier and Wyman had indeed heard such an informative conversation, it is hard to believe that they would have waited until after Benjamin Simonds's rape trial to testify about it.

75. Elizabeth Glasier and Bathsheba Wyman's Deposition, Folio 71–3, MFC.
76. Wyman, *Wyman Historic Genealogy*, 36–7; *Middlesex County Court Minute Book,* 18 June 1672.
77. Michael Bacon Jr.'s Reasons of Appeal, Folio 34–4, MFC. George Brush and William Clark also testified on the Wymans' behalf.
78. Elizabeth Glasier and Huldah Simonds's Deposition, Folio 71–3, MFC.
79. Elizabeth and John Glasier's Deposition, Folio 71–3, MFC.
80. John Tidd's deposition is not extant. See Robert Pierce's Objections, and Michael Bacon, John Craggon, and Robert Pierce's Deposition, Folio 71–3, MFC.
81. Benjamin Simonds's Petition, Folio 71–3, MFC.
82. Michael Bacon, John Craggon, and Robert Pierce's Deposition, Folio 71–3, MFC. Unfortunately, no copy of Hannah Knight's testimony has survived.
83. Dinah Knight's Deposition, Folio 71–3, MFC. Dinah Knight's deposition is dated 9 October 1676.
84. Robert Pierce's List of Objections, Folio 71–3, MFC.
85. Dinah Knight's Deposition, Folio 71–3, MFC. Dinah Knight's testimony is undated, but its content strongly suggests that it was entered at the Charlestown court.
86. The tavern's dimensions were approximately thirty-five by fifteen feet. See *Archaeological Data Recovery Report, City Square Archaeological District, Central Artery North Reconstruction Project, Charlestown, Massachusetts,* vol. 7 (September 1994), 96.
87. John Long's Inventory, Middlesex Probate Records, no. 14293 (1683). In the seventeenth century, carpets were more likely to be used as tablecloths than as floor coverings.
88. Archaeological excavations at the site have uncovered Dutch tin-glazed earthenware (or delft), Italian slip-decorated redware, blue-on-white and other tin-glazed earthernware, and lead-glazed redware ceramics. The fills dated to the final quarter of the seventeenth century at the latest. See *Archaeological Data Recovery Report . . . Charlestown,* 7:90.
89. At his death in 1683, John Long's inventory included £40 worth of wine. This was equivalent in value to seven or eight acres of land. Archaeological excavations have uncovered a paved wine cellar.
90. No direct evidence links the Charlestown sitting of the Middlesex County Court to John Long's tavern, but the circumstantial evidence is strong. As stated above, the tavern was originally built as a public building. It was located in the center of town near the meetinghouse and marketplace. In the eighteenth century, the town would build stocks, a pillory, a whipping post, and a cage in this area as well. A 1681 suit for slander mentions that two women were "published to ye privateeres at Road Island by a paper set up at Mr Longs porch." The paper, a slanderous parody of marriage banns, would certainly have been posted somewhere that was recognized as an official, public space. Finally, more direct evidence links the tavern and court in the early years of the eighteenth century. By 1714, the court was reimbursing John Long's son, Samuel, for meals, drink, and pipes. In 1726, these charges included "fire wood & Candles for the use and service of this Court" and, in 1727, a charge for "Tobacco & Pipes during the Court." See *Archaeological Data Recovery . . . Charlestown,* 7:32–39; Sarah Church's Deposition, Folio 97–2, MFC; and various papers in Folios 52x-3, 108x-4, and 21A-2.

91. For time frame, see Robert Pierce's Deposition, Folio 82–5, MFC.
92. The language in her deposition even suggests that she may have referred to Elizabeth's parents as mother and father. Sarah Craggon was the wife of John Craggon, the neighbor who saw Elizabeth tell her father about the rape. In all likelihood, she was no friend of the Wyman family. Before her marriage to John Craggon, Sarah Dawes Craggon had been a servant to John Wyman. She was convicted of fornication in both 1656 and 1657. Most masters rid themselves of female servants when they became involved in sexual misconduct, and this is probably what happened to Sarah Dawes (soon to be Craggon). She is identified as Wyman's servant in 1656 and his former servant in 1657. Various papers, Folios 15–4 and 20–2, MFC.
93. Robert Pierce's bill of costs lists Sarah Craggon as a witness at the Charlestown court and not at the Cambridge court or the Court of Assistants. See Folio 71–3, MFC.
94. Sarah Craggon's Deposition, Folio 71–3, MFC.
95. Robert Pierce's Objections, Folio 71–3, MFC.
96. Benjamin Simonds's Plea, Folio 71–3, MFC.
97. Isaac Brooks was a member of the jury. I am assuming that he told John Johnson about the verdict before it was officially announced. If the verdict was public knowledge, there would have been no reason for Robert Pierce to ask John Johnson who gave him the information, and it is hard to believe that Robert Pierce would have been absent when the verdict was delivered in court. Johnson probably asked Robert Pierce to say nothing because Johnson's own behavior was not entirely aboveboard. Johnson was involved in a case against Daniel Gookin that day. The most likely explanation for Isaac Brooks's actions is that he was telling Johnson that he had helped Benjamin Simonds and could do the same for him. If this is the case, then Johnson should have reported such a conversation to one of the magistrates.
98. James Convars Sr.'s Deposition, Folio 71–3, MFC. John Russell testified that Isaac Brooks had also told him what the verdict would be in the Simonds case. See John Russell's Deposition, Folio 71–3, MFC.
99. John M. Murrin, "Magistrates, Sinners, and a Precarious Liberty: Trial by Jury in Seventeenth-Century New England," in *Saints and Revolutionaries: Essays on American History,* ed. David Hall, John M. Murrin, and Thad W. Tate (New York: W. W. Norton, 1984), 199–200.
100. Robert Pierce's Deposition, Folio 71–3, MFC.
101. Verdict, Folio 71–3, MFC.
102. Murrin, "Magistrates, Sinners, and a Precarious Liberty," 200.
103. *General Laws and Liberties* (1672), 86; Warrant to Inquire into Jury Selection and Response, Folio 71–3, MFC.
104. Warrant to Inquire into Jury Selection and Response, Folio 71–3, MFC. Both constables signed their names to the inquiry.
105. Complaint about Jury Selection, Folio 71–3, MFC.
106. Samuel A. Green, ed., "Diary Kept by Capt. Lawrence Hammond, of Charlestown, Mass., 1677–1694" (Cambridge: John Wilson and Son., 1892), 15–16.
107. Edward F. Johnson, "Genealogical Gleanings in England," *New England Historical and Genealogical Register* 48 (July 1894): 381–82. Henry Summers's wife was Mabel

Kendall Reed Summers. It is likely that she was also related to Benjamin Simonds's guardian, Francis Kendall, but I have been unable to identify the exact connection.

108. Verdict, Folio 71–3, MFC.
109. *Middlesex County Court Minute Book,* 19 December 1676, transcription by David Pulsifer, Massachusetts Archives, Boston.
110. Elizabeth Pierce's Deposition, Folio 71–3, MFC. Robert Pierce's admission that he failed to turn over this piece of evidence is scribbled at the bottom of the page. The document is dated 14 September 1676 and initialed by Edward Rawson, the clerk of court to the Court of Assistants. Robert Pierce may also have suppressed the evidence because it points to what seems to me to be the biggest hole in Elizabeth Pierce's story: what happened to her horse? This is the only deposition that describes Elizabeth being pulled off her horse. If Benjamin had forcibly pulled Elizabeth off her horse, then the horse did one of two things. It either wandered off, or it stayed near the stand of bushes. If it stayed near the bushes, why did Dinah Knight mention the bonnet lying in the road but not the riderless horse? If it wandered off, and Elizabeth returned home without her horse—which would have been a very valuable beast, especially during King Philip's War when horses were being impressed for service—surely that would have been at least as good an indication that something was seriously wrong as her tears and "sad posture." Elizabeth's parents, however, make no mention of the horse. It is possible that Elizabeth's horse wandered off and that she found it before returning home, but Huldah Simonds and Elizabeth Glasier's explanation, that Elizabeth voluntarily dismounted and turned her horse over to Hannah Knight, seems a more probable explanation.
111. I assume that only Mary Pierce actually visited Thomas Danforth, because although Mary, Robert, Elizabeth, and Jonathan Pierce all signed at least one of the depositions, Mary Pierce is the only one who is recorded as swearing to the evidence.
112. Robert, Mary, Elizabeth, and Jonathan Pierce's Deposition, Folio 71–3, MFC.
113. Mary and Elizabeth Pierce's Deposition, Folio 71–3, MFC.
114. Elizabeth Pierce's Deposition, Folio 71–3, MFC.
115. Rod, of course, was often a synonym for "penis" as well as stick. It would be possible to read the word "strok" in Elizabeth Pierce's deposition to mean that Benjamin "stroked" Mary Tidd with his penis rather than "struck" her with a stick, were it not for two details. First, Elizabeth's deposition says that Benjamin entered the room with a rod. This only makes sense if the rod was a stick, since Benjamin could not have entered the room without his penis. Second, we would expect Benjamin's penis to be referred to as "*his* rod," whereas Elizabeth makes mention of "*a* rod." Sadomasochism was a common trope in seventeenth-century English pornography and was probably not unknown in popular discourse. See Roger Thompson, *Unfit for Modest Ears: A Study of Pornographic, Obscene and Bawdy Works Written or Published in England in the Second Half of the Seventeenth Century* (London: Macmillan, 1979). Thompson details another case of sexual sadism from Middlesex County in the 1650s. See Roger Thompson, *Sex in Middlesex: Popular Mores in a Massachusetts County, 1649–1699* (Amherst: University of Massachusetts Press, 1986), 158–59.

116. Robert Pierce's Petition, Folio 82–5, MFC.
117. Norton, *Founding Mothers and Fathers,* 253–61.

5. A FAMILY OF ALLIES

1. Quoted in John Demos, *A Little Commonwealth: Family Life in Plymouth Colony* (London: Oxford University Press, 1970), epigraph.
2. Increase Mather, *A Call from Heaven to the Present and Rising Generation* (Boston: John Foster, 1679), 91.
3. Cotton Mather, *A Family Well-Ordered, Or An Essay to Render Parents and Children Happy in One Another* (Boston: B. Green and J. Allen, 1699), 3–4.
4. James Fitch, *Explanation of the Solemn Advice, Recommended by the Council in Connecticut Colony, to the Inhabitants of That Jurisdiction, Respecting the Reformation of Those Evils, Which Have Been the Procuring Cause of the Late Judgments upon New England* (Boston: S. Green, 1683), 15.
5. Deodat Lawson, *Duty and Property of a Religious Housholder Opened in a Sermon Delivered at Charlestown, on Lord's Day, December 25, 1692* (Boston: Bartholomew Green, 1693), 51.
6. Cotton Mather, *A Good Master Well Served: A Brief Discourse on the Necessary Properties & Practices of a Good Servant in Every-Kind of Servitude, and of the Methods That Should Be Taken by Heads of a Family to Obtain Such a Servant* (Boston: B. Green and J. Allen, 1696), 7. For a fuller treatment of the household as a "little monarchy," see Mary Beth Norton, *Founding Mothers and Fathers: Gendered Power and the Forming of American Society* (New York: Alfred A. Knopf, 1996).
7. The authors of many sermons inserted the influence and authority of mothers as well as fathers, although they usually did so in a perfunctory manner and were unable to imagine females as magistrates or priests.
8. Lawson, *Duty and Property,* 29–30.
9. Increase Mather, *Call from Heaven,* 17.
10. Lawson, *Duty and Property,* 31.
11. Increase Mather, *Call from Heaven,* 16–17, and 21–22.
12. Cotton Mather, *Help for Distressed Parents, Or Counsels and Comforts for Godly Parents Afflicted with Ungodly Children, and Warnings unto Children to Beware of All Those Evil Courses, Which Would Be Afflictive unto Their Parents* (Boston: John Allen, 1695), quotes on 6, 9, 11–15.
13. Cotton Mather, *Help for Distressed Parents,* 17–19.
14. Ibid., 2.
15. Cotton Mather, *Family Well-Ordered,* 19–20.
16. Lawson, *Duty and Property,* 44, 49.
17. [Increase Mather], *The Necessity of Reformation with the Expedients Subservient Thereunto* (Boston: John Foster, 1679), 5.
18. Cotton Mather, *Help for Distressed Parents,* 20.
19. Ibid., quotes on 20–22, 25–26, 60.
20. Increase Mather, *Call from Heaven,* 92.

21. Cotton Mather, *Help for Distressed Parents,* 20–21.
22. The General Laws and Liberties of the Massachusetts Colony Revised & Re-Printed, By Order of the General Court Holden at Boston, May 15th, 1672 (Boston: Samuel Green, 1672), 101.
23. William H. Whitmore, ed., *The Colonial Laws of Massachusetts* (Boston: Rockwell and Churchill, 1890), 51.
24. *Middlesex County Court Minute Book,* 16 June 1663, transcription by David Pulsifer, Massachusetts Archives, Boston.
25. *Middlesex County Court Minute Book,* 1 April 1662.
26. Samuel Eliot Morison, ed., *Records of the Suffolk County Court, 1671–1680: pt. I.* Publications of the Colonial Society of Massachusetts, vol. 29 (Boston: John Wilson and Son, 1933), 485–86 (28 July 1674), hereafter *Records of the Suffolk County Court.* The Suffolk County minute book identifies Elizabeth Sanford only as "the daughter of Robert Sanford." According to Savage, Robert Sanford had four daughters, the oldest of whom, Elizabeth, was nineteen when her parents brought their complaint in 1674. Elizabeth's next oldest sister was fifteen. In charity, I have assumed that Peggy was courting the older girl. Ruth Hennenway, whom Peggy impregnated in that year, was thirty-six years old. See James Savage, *A Genealogical Dictionary of the First Settlers of New England* (Boston: 1860–62); *The Great Migration Begins: Immigrants to New England, 1620–1633*, vols. 1–3 (Online database: NewEnglandAncestors.org, New England Historic Genealogical Society, 2002), "Ralph Hemingway."
27. *Middlesex County Court Minute Book,* 2 April 1663.
28. *Records of the Suffolk County Court,* pt. 1, 221 (28 January 1673) and 559 (26 January 1675); Massachusetts, Inferior Court of Common Pleas, *Abstract and Index of the Records of the Inferiour Court of Pleas (Suffolk County Court) Held at Boston, 1680–1698. Prepared by the Historical Records Survey, Division of Professional and Service Projects, Work Projects Administration* (Boston: Historical Records Survey, 1940), 115 (July 1682).
29. William Healy's Objections, Folio 42–2, MFC; Warrant, Folio 43–3, MFC. Of course, cases in which children abstained from courtships after their parents had forbidden the match were unlikely to end up in court.
30. Gershone Hague's Deposition, Folio 71–1, MFC.
31. Thomas Waters's Examination, no. 1836, SFC.
32. William White's Examination, Folio 202–1, MFC; Mary Harris's Examination, Folio 202–2, MFC.
33. John Cutler's Deposition, Folio 52–3, MFC.
34. Various documents, Folio 99–3, MFC; Joseph Hartwell Barrett, "Thomas Barrett of Braintree, William Barrett of Cambridge and Their Early Descendants," *New England Historical and Genealogical Register* 42 (July 1888): 258–59.
35. Abigail Rose's Deposition, Folio 52–3, MFC. For family relationships, see Henry Bond, *Genealogies of the Descendants of the Early Settlers of Watertown, Massachusetts* (Boston: New England Historic Genealogical Society, 1860).
36. John Mason's Deposition, Oliver and Joseph Wellington's Deposition, and Daniel Smith's Deposition, Folio 52–3, MFC.

37. Joseph Grant's Deposition, Folio 52–3, MFC. The third party was Sarah Largin. She appears to have been a friend of Crouch, but she testified that Grant could not have impregnated her.
38. Mary Crouch's Deposition, Folio 52–3, MFC.
39. Three deponents named Thomas Jones as the most likely father of Crouch's child. Two of these were related to other deponents in the case. Paul Wilson was the servant of Elizabeth Mousall, who attended the birth of Sarah Crouch's child. Ursula Cole also identified Jones as the likely father. She had testified in another case on the Mousalls' behalf in 1663, and it is possible that there was a relationship between the two women. Ursula Cole was definitely related to two other deponents in the Crouch case: John Cutler and Anna Fowle. It is possible that this is the outline of a family network connecting these deponents to the Grants, but I have been unable to discover the connection. See Various Papers, Folio 34–3, MFC; Nahum S. Cutler, *A Cutler Memorial and Genealogical History* (Greenfield, MA: Press of E. A. Hall & Co., 1889), 508–11; David Conroy Chamberlin Sr., "The Two Henry Chamberlins of Hingham, Massachusetts: 1638–1649," *New England Historical and Genealogical Register* 139 (April 1985): 137; Eugene Chalmers Fowle, *Descendants of George Fowle (1610/11?–1682) of Charlestown, Massachusetts* (Boston: New England Historic Genealogical Society, 1990), 5, 9, 12–13; Thomas Bellows Wyman, *The Genealogies and Estates of Charlestown, in the County of Middlesex and Commonwealth of Massachusetts, 1629–1818* (Boston: David Clapp and Son, 1879; repr., Somersworth, NH: New England History Press, 1982).
40. Thomas Jones's Deposition, Folio 52–3, MFC.
41. Christopher and [Mary] Grant's Petition, Folio 52–3, MFC.
42. Wyman, *Genealogies and Estates of Charlestown.* For a similar case involving a servant with nearby family and her master's son, see Susannah Woodward vs. Thomas Hastings Jr., Folio 59–1, MFC. Those testifying on Hastings's behalf included his immediate family and members of the allied Barstow and Shattuck clans. The relationship between the Barstow and Hastings families is not entirely clear. Thomas Hastings Sr. was the executor of Michael Barstow's will. Michael Barstow had other living relatives, and it seems unlikely that he would have entrusted his estate to a man outside his family. Those testifying on Susannah Woodward's behalf included Susannah's aunt and her aunt's mother. For relationships, see "Michael Barstow's Will," *New England Historical and Genealogical Register* 8 (April 1854): 169–70; Bond, *Genealogies of Watertown;* Wyman, *Genealogies and Estates of Charlestown;* Lindsay S. Reeks, *Woodward/Woodard Ancestors of New England* (Baltimore: Gateway Press, 1995), 20; Lydia Nelson Hastings Buckminster, *The Hastings Memorial: A Genealogical Account of the Descendants of Thomas Hastings of Watertown, Mass., from 1634 to 1864* (Boston: Samuel G. Drake, 1866), 6–7. For a case involving two families that were related to one another, see Elizabeth Mellins vs. Samuel Sprague. Elizabeth Mellins's brother was married to Samuel Sprague's sister. See Various Papers, Folios 164–4, 166–3, 167–3, 169–3, 171–3, MFC; and Samuel Bucknam's Reasons of Appeal, no. 3936, SFC. For family relationships among those involved, see Wyman, *Genealogies and Estates of Charlestown;* Ann Theopold Chaplin, *A Bucknam-Buckman Genealogy: Some Descendants of William Bucknam*

of Charlestown and Malden and John Bucknam of Boston (Baltimore: Gateway Press, 1988), 12.

43. John Knapp's Deposition, Folio 44–43, MFC; Bond, *Genealogies of Watertown*.
44. John Traine Sr.'s Deposition, Folio 44–3, MFC. The genealogy here is tricky. Daniel Smith's father, Daniel, was the brother of Thomas Smith. Thomas Smith's daughter, Mary, married John Stratton. John Traine's son-in-law was also John Stratton, but the relationship between the two Johns is unknown. See Bond's *History Genealogies of Watertown* and Eugene A. Stratton, "Some Stratton Notes," *New England Historical and Genealogical Register* 135 (October 1981), 287–97.
45. Mary Smith's Deposition, Folio 44–3, MFC. Mary Smith had recently married John Stratton. Although it is possible that one of the Smith sons married a woman with the last name Stratton and that the marriage record has not survived, it seems more likely that this was Mary Smith Stratton. Mary Smith and John Stratton married the year before. See Bond, *Genealogies of Watertown*.
46. Roger Rose's Deposition, Folio 44–3, MFC; Bond, *History Genealogies of Watertown*.
47. Mary Grant's Deposition, Folio 44–3, MFC.
48. John Traine Jr.'s Deposition, Folio 44–3, MFC.
49. Martin Townsend's Deposition, Folio 44–3, MFC.
50. For a similar confrontation between a sister and brother-in-law and an erring suitor, see Case of Elizabeth Ross, Folios 144–1 and 144–3, MFC.
51. Summons, Folio 44–3, MFC.
52. Daniel and Mary Smith's Petition, Folio 44–3, MFC. In other cases, family members sometimes brought accuser and accused together in the home of a third party. When Mary Pike accused Benjamin Knowlton of being the father of her bastard child in 1674, her family requested a meeting between his daughter and Knowlton at the home of a local deacon. See Folio 66–6, MFC. Sarah Vinton's master arranged a similar scene in 1681. See Folio 94–2, MFC. Jane Allen's family arranged a similar confrontation when Allen accused William Mahoney of attempted rape in 1685. See Folio 112–3, MFC.
53. William Beale's Deposition, Folio 125–4, MFC.
54. An Addition to William Beale's Deposition, Folio 125–4, MFC.
55. I have been unable to work out the precise relationship between Martha's mother, Martha Bradstreet Beale, and Simon Bradstreet. Simon Bradstreet is identified as Martha Beale's cousin in Hannah Perkins's Deposition, Folio 125–4, MFC. See also Savage, *Genealogical Dictionary*.
56. A Further Addition to William Beale's Deposition, Folio 125–4, MFC.
57. Hannah Perkins's Deposition, Folio 125–4, MFC. Hannah Long Cookery Perkins was the sister of John Rowe's mother, Rebecca Long Rowe. See Hallock P. Long, *A Long Genealogy* (Washington, DC, 1937), 6; and Paula Perkins Mortensen, *English Origins of Six Early Colonists by the Name of Perkins* (Baltimore: Gateway Press, 1998), 14–15.
58. Elizabeth Robinson may have been related to the Rowes, but I have been unable to find a connection. Hannah Kellen was probably related to the Rowe family, since Martha Beale approached her after Elias Rowe but before her own father.

59. Elizabeth Robinson's Deposition and Hannah Kellen's Deposition, Folio 125–4, MFC.
60. I have been unable to ascertain Baker's first name or to find the connection between the Rowe and Baker families.
61. Martha Beale's Deposition, Folio 125–4, MFC.
62. A Further Addition to William Beale's Deposition, Folio 125–4, MFC.
63. Martha Beale's Deposition, Folio 125–4, MFC.
64. *Middlesex County Court Minute Book,* 15 December 1685.
65. These women were "involved" in the cases but not necessarily charged. In some instances, only men were charged before the county courts. I assume that the women were tried before a single magistrate or that the records of their prosecutions have been lost. I have included these women if their name or status as a servant or daughter was recorded.
66. I have labeled women "known servants" when they were identified unequivocally as such in case papers, minute books, or other records. I have identified women as "probable servants" when the evidence is less conclusive. In some cases, I have found orders that other children in the family be bound out as servants or relied on suggestive, but not conclusive, evidence from case papers.
67. Thomas Hastings was the brother of John Hastings, the reputed father of Susannah Woodward's child. Bond, *Genealogies of Watertown.*
68. Margaret Hastings's Deposition, Folio 89–2, MFC.
69. Grace Livermore's Deposition, and Elizabeth and Judy Lawrence's Deposition, Folio 89–2, MFC.
70. Elizabeth Roby and Elizabeth Robinson's Deposition, no. 1412, SFC. For family information, see James Gray Garland, *Garland Genealogy: The Descendants of Peter Garland, Mariner* (Biddeford, ME: Watson's Illuminator Print, 1897), 4–5; and Grafton Robey Jr., *Robey, Roby, Robie: The Family History from Early England to America,* vol. 1. (Heritage Books), 8–9.
71. Mary Jones's Deposition, no. 1412, SFC.
72. Henry Dow's Answer to John Garland's Reasons of Appeal, no. 1412, SFC.
73. John Noble, ed., *Records of the Court of Assistants of the Colony of the Massachusetts Bay, 1630–1692,* vol. 1 (Boston: Rockwell and Churchill Press, 1901), 46 (1675).
74. Mary Tiller and Joanna Lovett's Deposition, Folio 53–2, MFC. Information on the Lovett family can be found in Savage, *Genealogical Dictionary.* Mary Tiller is identified as Hannah Lovett's mother in Hannah Thompson and Jane Harbour's Deposition, Folio 53–2, MFC.
75. Martha Lovett's Deposition, Joanna Lovett's Deposition, Folio 53–2, MFC.
76. Catherine Alderidge's Deposition, Folio 53–2, MFC.
77. Hannah Thompson and Jane Harbour's Deposition, Katherine Cooke's Deposition, Folio 53–2, MFC.
78. John Johnson's Petition, Folio 89–3, MFC.
79. John Burridge's Petition, Folio 51–4, MFC.
80. William Perry's Petition, Folio 99–2, MFC. Bethiah Johnson was sentenced to either a fine or corporal punishment. See *Middlesex County Court Minute Book,* 6

April 1680. John Burridge's petition is the only surviving records of his daughter's case, and we do not know her sentence.

81. Christopher and [Mary] Grant's Petition, Folio 52–3, MFC.
82. Joseph, Caleb, and Christopher Grant's Petition, Folio 80–3, MFC.
83. Elizabeth Moore and Lydia Maynard's Petition, Folio 51–3, MFC.
84. Richard Gardiner's Declaration, Folio 71–1, MFC. Josiah Convars confirmed Gardiner's version of events.
85. Letter of Attorney, Folio 71–1, MFC.
86. Matthew Johnson's Deposition, Folio 71–1, MFC.
87. Richard Gardiner's Declaration, Folio 71–1, MFC.
88. Richard Gardiner's Costs, Folio 71–1, MFC.
89. *Middlesex County Court Minute Book,* 6 April 1675.
90. Samuel Bucknam's Further Deposition, Folio 169–3, MFC.
91. *Middlesex County Court Minute Book,* 13 September 1698.
92. Samuel Sprague's Petition, Folio 169–3, MFC; *Middlesex County Court Minute Book,* 3 October 1699.
93. Samuel Sprague's Petition, Folio 171–3, MFC.
94. John Pierce's Deposition, Folio 67–3, MFC; Savage, *Genealogical Dictionary.*
95. *Records of the Suffolk County Court,* pt. 1, 457 (28 July 1674).
96. Unfortunately, I have been unable to find a marriage record for John and Dorothy Jones. Isaac Greenwood gives Dorothy Jones's husband's name as Morgan. However, Morgan Jones lived until at least 1687, and we know from the depositions in the case of Zachariah Crispe that Dorothy Jones's husband was dead by 1675. See Isaac J. Greenwood, "The Rev. Morgan Jones and the Welsh Indians of Virginia," *New England Historical and Genealogical Register*, vol. 52 (January 1898): 32, 36; and Various Papers, no. 1422, SFC.
97. Dorothy Jones's Examination, no. 1422 SFC.
98. *Records of the Suffolk County Court,* pt. 1, 82–3 (30 January 1672).
99. Hannah Hincksman's Deposition, no. 1422, SFC.
100. Valerie A. Fildes, *Breasts, Bottles, and Babies: A History of Infant Feeding* (Edinburgh: Edinburgh University Press, 1986), 279.
101. There is a reference to Goodman Jones's death in Samuel Johnson's Deposition, no. 1422 SFC.
102. Dorothy Jones's Examination, no. 1422, SFC.
103. Joseph B. Felt, "Genealogical Items Relative to Gloucester, Mass.," *New England Historic and Genealogical Register* 4 (October 1850): 365.
104. Samuel Holton's Deposition, no. 1705, SFC.
105. Thomas and Rachel Strong's Deposition, and Rachel Strong's Deposition, no. 1705, SFC; Edward Strong, "Elder John Strong and his Descendants," *New England Historical and Genealogical Register* 23 (July 1869): 294–95; Savage, *Genealogical Dictionary.*
106. Abigail Webster's Deposition, no. 1705, SFC. Abigail was related to the Holtons through her brother-in-law's second marriage. See William Holcomb Webster and Melville Reuben Webster, *History and Genealogy of the Gov. John Webster Family* (Rochester, NY: E. R. Andrews Printing Co., 1915), 29–30.

107. Peter and Mary Plimpton's Deposition, no. 1705, SFC.
108. Dorcas Lyman's Deposition, no. 1705, SFC; J. Wingate Thorton, "The Gilbert Family," *New England Historical and Genealogical Register* 4 (October 1850): 339–44. Dorcas Lyman was related to the Holtons through her mother's family. See Lyman Coleman, *Genealogy of the Lyman Family in Great Britain and America* (Albany, NY: J. Munsell, 1872), 39, 197.
109. Samuel Holton may have petitioned more than once for a divorce. The depositions that tell his story are dated 1678 and relate to the prosecution of Mary Holton for attempting to disparage and disgrace her husband. The outcome of the case does not survive. Since Samuel Holton would have had to pay his wife's fines and court costs, it seems unlikely that he would have been interested in seeing her prosecuted unless he planned to petition for a divorce.
110. Marmaduke Johnson was an odd choice for a Puritan printer. In England he had been involved with a group of printers who distributed pornography. Indeed, in 1668, Johnson was fined five pounds for attempting to print a book that, if it was not quite pornographic, was yet too racy for Massachusetts. See Roger Thompson, "The Puritans and Prurience: Aspects of the Restoration Book Trade," in *Contrast and Connection: Bicentennial Essays in Anglo-American History,* ed. H. C. Allen and Roger Thompson (London: G. Belle & Sons, 1976), 40.
111. Thomas Johnson to Marmaduke Johnson, 27 February 1663, and Thomas Johnson to Marmaduke Johnson, 22 April 1663, Folio 34–5, MFC. The first letter makes reference to earlier letters regarding Elizabeth Green.
112. *Middlesex County Court Minute Book,* 1 April 1662. Johnson's suit had evidently continued for some time. On 17 December 1661, William Barratt had been convicted of entertaining Elizabeth Green and Marmaduke Johnson together.
113. Thomas Johnson wrote, "your being absent was the only cause of your not being discharged from her, for such a thing could not be done by Proxy." Marmaduke Johnson was trying to get rid of his wife. However, full legal divorce *(a vinculo)* was not available in England until the end of the century. Since adultery was not grounds for an annulment, Johnson must have been seeking a divorce *a mensa et thoro,* or a separation of bed and board. Since he was already separated from his wife and does not appear to have been supporting her, it is hard to see what advantage he thought he would gain. Like Edmund Pinson, the Johnsons probably misunderstood the terms of divorce *a mensa et thoro.*
114. Thomas Johnson to Marmaduke Johnson, 27 February 1663, Folio 34–5, MFC. Since Johnson posted bond to leave for England when the court ordered him to do so a second time, his brother's letter must have arrived after the court's order but before he could secure passage.
115. *Records of the Superior Court of Judicature,* October 1698, Massachusetts Archives, Boston.
116. Matthew Carey to Elizabeth Carey, 27 September 1692, no. 3766, SFC.
117. Elizabeth Carey to Giles Sylvester, November 1693, no. 3766, SFC.
118. Elizabeth Carey to Giles Sylvester, 2 January 1694, no. 3766, SFC.
119. Affidavits, no. 3677, SFC.
120. Giles Sylvester's Petition, MAC, 9:144–45.

121. Ellis Ames and Abner Cheney Goodell, eds., *The Acts and Resolves, Public and Private, of the Province of the Massachusetts Bay,* vol. 1 (Boston: Wright & Potter, 1869), 353–54.
122. D. Brenton Simons, "Bigamy in Boston: The Case of Matthew Cary and Mary Sylvester," *New England Historical and Genealogical Register* 159 (January 2005): 5–11. I would like to thank Mr. Simons for sharing an advance copy of his article with me.
123. Warrant, Folio 203–3, MFC.
124. Warrant, Folio 169–3, MFC.

6. TWO MISSING INFANTS

1. George Walter Chamberlain, *History of Weymouth, Massachusetts,* vol. 1, "Historical" (Boston: Wright & Potter Printing Co., 1923), 110.
2. Chamberlain, *History of Weymouth,* 1:107–8.
3. Ibid., 1:103.
4. Copy of Agreement Between the Inhabitants of Weymouth and the Indians Concerning Their Land Sold Now to the Planters of the Town of Weymouth, 26 April 1642, copied 10 July 1685, Miscellaneous Manuscripts II, Massachusetts Historical Society, Boston.
5. Hannah French's Deposition, no. 1689, SFC, 19:123.
6. Peter Hoffer and N. E. H. Hull note that Massachusetts lawmakers did not adopt the English statute until 1692, when it was disallowed by the Privy Council; it became a lasting part of Massachusetts law in 1696. As they argue, however, the courts nevertheless acted much like English courts in assuming that unwed mothers who concealed the death of their children had killed them. Peter C. Hoffer and N. E. H. Hull, *Murdering Mothers: Infanticide in England and New England, 1558–1803* (New York: New York University Press, 1981), 59.
7. The number may have been higher. The Court of Assistants' records are incomplete to 1673.
8. Ruth Fairfield's Deposition, Mary Dawes's Deposition, no. 2388, SFC, 29:85.
9. Mary Beth Norton, *Founding Mothers and Fathers: Gendered Power and the Forming of American Society* (New York: Alfred A. Knopf, 1996), 335–42.
10. Hoffer and Hull, "Infanticide in the Sanctuary of Puritanism, New England, 1630–1730," chap. in *Murdering Mothers,* 33–64.
11. Elizabeth Emerson's Examination, no. 2636, SFC, 31:95–96. For an excellent description of Elizabeth Emerson's case, see Laurel Thatcher Ulrich, *Good Wives: Image and Reality in the Lives of Women in Northern New England, 1650–1750* (New York: Alfred A. Knopf, 1980), 196–201.
12. Sarah Smith's Examination, no. 3718, SFC, 41:76.
13. Inexplicably, Haire was also acquitted of adultery. Sibella Sands and Grace Needam's Deposition, no. 1729, SFC, 20:40; Massachusetts Bay Court of Assistants, *Records of the Court of Assistants of the Colony of the Massachusetts Bay, 1630–1692,* vol. 1, ed. John Noble (Boston: Rockwell and Churchill Press, 1901), 126 (167), hereafter *Records of the Court of Assistants.*

14. *Records of the Court of Assistants,* 1:228 (6 March 1683).
15. *Records of the Superior Court of Judicature,* 25 April 1693 and 10 May 1700, Massachusetts Archives, Boston.
16. Elizabeth Emerson's Examination at the Bar, no. 2636, SFC, 31:96.
17. Mary Catlin's Deposition, no. 3718, SFC, 41:76.
18. *Records of the Superior Court of Judicature,* October 1698.
19. Sarah Pratt's Deposition, no. 1689, SFC, 19:124.
20. Hannah French's Deposition, no. 1689, SFC, 19:123.
21. Ann Marie Plane, *Colonial Intimacies: Indian Marriage in Early New England* (Ithaca, NY: Cornell University Press, 2000), 5.
22. James Axtell, ed., *The Indian Peoples of Eastern America: A Documentary History of the Sexes* (New York: Oxford University Press, 1981), 3–5, 17–24; Gloria L. Main, *Peoples of a Spacious Land: Families and Cultures in Colonial New England* (Cambridge, MA: Harvard University Press, 2001), 101.
23. Thomas Drake's Deposition, Hannah French's Deposition, Ebbett Hunt's Deposition, and Thomas Mighill's Deposition, no. 1689, SFC, 19:123–24.
24. *OED,* s.v. "pickaninny."
25. *OED,* s.v. "boon, *a.* (and *adv.*)"
26. Albert Valdman, *Haitian Creole—English-French Dictionary* (Bloomington, IN, 1981), 80; Silvia Kouwenberg and Eric Murray, *Papiamentu* (München, Newcastle: Lincom Europa, 1994), 5–6, 9.
27. Mary Rowlandson, *The Sovereignty and Goodness of God, Together with the Faithfulness of His Promises Displayed: Being a Narrative of the Captivity and Restoration of Mrs. Mary Rowlandson and Related Documents,* ed. Neal Salisbury (1682; Boston: Bedford Books, 1997), 105.
28. Virginia D. Anderson, "King Philip's Herds: Colonists and the Problem of Livestock in Early New England," *William and Mary Quarterly,* 3rd. ser., vol. 52, no. 4 (October 1994): 601–24.
29. Yasuhide Kawashima, *Puritan Justice and the Indian: White Man's Law in Massachusetts, 1630–1763* (Middletown, CT: Wesleyan University Press, 1986), 35–41.
30. *Records of the Court of Assistants,* 1:125 (1678).
31. *Records of the Superior Court of Judicature,* 28 January 1696.
32. Ibid.; John Andrews's Examination, no. 3279, SFC, 37:59. Peter Hoffer and N. E. H. Hull claim that Elizabeth Emerson's parents were also sentenced to death as accessories. Laurel Ulrich, however, writes that Emerson's parents were absolved of responsibility in a preliminary hearing. See Hoffer and Hull, *Murdering Mothers*, 60; Ulrich, *Good Wives*, 200. The papers of Nathaniel Saltonstall show that Elizabeth, but not her parents, were jailed to await trial. *The Saltonstall Papers, 1607–1814,* vol. 1, ed. Robert E. Moody (Boston: Massachusetts Historical Society, 1972), 203.
33. It is possible that Hannah French was a midwife. In 1700 a "Mrs ffrench Midwife" testified before an inquest jury in Boston. However, George Chamberlain states that Stephen French had "evidently" married Hannah Loring by 1699. If Chamberlain's supposition is correct, Hannah Whitman French must have been dead before 1700. See Grand Jury Presentments, no. 4657, SFC, 48:141; Chamberlain, *History of Weymouth,* vol. 3, "Genealogy of Weymouth Families," 234.

34. Thomas Drake's Deposition, no. 1689, SFC, 19:123–24.
35. Chamberlain, *History of Weymouth.*
36. Ibid.
37. Sarah Pratt's Deposition, Hannah Whitmarsh's Deposition, no. 1689, SFC, 19:123–24.
38. Although the Court of Assistants record simply bears the date 1677, the depositions in Marea's file are marked as sworn in court on 7 March 1677.
39. Chamberlain, *History of Weymouth.*
40. Thomas Drake's Deposition, no. 1689, SFC, 19:123–24.
41. Hannah French's Deposition, no. 1689, SFC, 19:123; Ebbett Hunt's Deposition, no. 1689, SFC, 19:123–24.
42. John P. Wright, "Hysteria and Mechanical Man," *Journal of the History of Ideas* 41, no. 2 (April–June 1980): 233–47; Hansruedi Isler, *Thomas Willis, 1621–1675: Doctor and Scientist* (New York: Hafner Publishing Co., 1968); Thomas Sydenham, *The Works of Thomas Sydenham, M.D.,* trans. R. G. Lathan, vol. 2 (London: Sydenham Society, 1850); William Shakespeare, *King Lear,* act 2, scene 4, line 57. *The Riverside Shakespeare* (Boston: Houghton Mifflin Company, 1974).
43. Thomas Mighill's Deposition, no. 1689, SFC, 19:123–24.
44. *Records of the Court of Assistants,* 1:115 (1677).
45. Sarah Pratt's husband was Matthew Pratt. His brother was Thomas Pratt. Chamberlain, *History of Weymouth.*
46. Hannah Whitmarsh was married to Nicholas Whitmarsh. His brother was John Whitmarsh. See Chamberlain, *History of Weymouth.*
47. Hannah (Reed) Whitmarsh's brother was John. John Whitmarsh had a sister, named Margaret, who married John Vining. Hannah (Whitman) French had a brother named John. John married Ruth Reed, whose brother was John Reed. Chamberlain, *History of Weymouth.*
48. Samuel Eliot Morison and Zechariah Chafee Jr., eds., *Records of the Suffolk County Court, 1671–1680,* pt. 2. Publications of the Colonial Society of Massachusetts, vol. 30 (Boston: John Wilson and Son, 1933), 991 (28 January 1679).
49. For a very different interpretation of this case, see Plane, *Colonial Intimacies,* 96–98.
50. The house may have held the Mannings' two daughters and eight-year-old son, as well as Nicholas Parker's son Jonathan. See William H. Manning, *The Genealogical and Biographical History of the Manning Families of New England and Descendants from the Settlement in America to the Present Time* (Salem, MA: Salem Press Co., 1902), 782.
51. Inquest Findings, no. 605, SFC, 5:30.
52. Mistress Sands's Examination, no. 605, SFC, 5:28. Examination of Bess Negro, no. 605, SFC, 5:28.
53. Mary Negro's Deposition, no. 605, SFC, 5:28.
54. John Winthrop, *The History of New England from 1630 to 1649,* vol. 2, ed. James Savage (Boston: Little, Brown, 1853), 368–70.
55. Melinde Lutz Sanborn, "Angola and Elizabeth: An African Family in the Massachusetts Bay Colony," *New England Quarterly* 72, no. 1 (March 1999): 122.
56. Mary and her husband were actually freed in Samuel Haugh's 1658 will. The will noted that Mary's husband should be freed "if he Survive me," suggesting that the

couple was elderly and that Mary would have been in a position to remember well an execution in Boston in the mid 1640s. See Atherton Haugh's Will, Middlesex County Probate Records, 1st ser., file no. 10755, Massachusetts Archives, Boston; Samuel Haugh's Will, no. 2116, SFC.

57. Mistress Sands's Examination, no. 605, SFC, 5:28.
58. Ann Parker's Examination, no. 605, SFC, 5:31.
59. Elizabeth Makepeace was born Elizabeth Hawkredd. Her second husband was Oliver Mellows. Elizabeth Mellows (b. 1644) was Oliver's niece by his brother, Edward Mellows. Elizabeth Hawkredd Coney Mellows married Thomas Makepeace in 1641. Although Thomas Makepeace had formerly been "of Dorchester," he received a farm near the Parker household in 1638, and a 1725 deposition describes him as being "Mr. Makepeace that lived in Boston" in the 1660s. See William Makepeace, *The Genealogy of the Makepeace Family in the United States from 1637 to 1857* (Boston: David Clapp, 1858), 9–11, 26; Thomas Amory Lee, "Old Boston Families," *New England Historical and Genealogical Register* 78 (July 1922): 198; "Abraham Mellows," in *The Great Migration Begins: Immigrants to New England, 1620–1633,* vols. 1–3 (Online database: NewEnglandAncestors.org, New England Historic Genealogical Society, 2002), accessed 17 June 2010.
60. Mistress Sands's Examination, no. 605, SFC, 5:28.
61. Ann Parker's Examination, no. 605, SFC, 5:31.
62. Mistress Sands's Examination, no. 605, SFC, 5:28.
63. Ann Parker's Examination, no. 605, SFC, 5:31.
64. Zipporah's Examination, no. 605, SFC, 5:28.
65. Many women attempting to prove prematurity in order to avoid a conviction for premarital fornication also testified about the child's difficulty eating, but of course that test did not apply in this case.
66. Zipporah's Examination; Mistress Sands's Examination, no. 605, SFC, 5:28.
67. Ann Parker's Examination, no. 605, SFC, 5:31.
68. Mistress Sand's Examination, no. 605, SFC, 5:28.
69. Ann Parker's Examination, no. 605, SFC, 5:31.
70. Zipporah's Examination, no. 605, SFC, 5:28.
71. Elizabeth Mellows's Examination, no. 605, SFC, 5:28.
72. Mistress Sands's Examination and Elizabeth Mellows's Examination, no. 605, SFC, 5:28.
73. Although the Boston town records do not list Richard Parker as a commission in 1663, a surviving deposition from 1663 is noted as having been "sworne before mr Richard Parker Comis." See Deposition of Milner Mugfoard, SFC, 6:74.
74. For the significance of oath taking and perjury for seventeenth-century men, see Mary Beth Norton, "Communities of Men, Communities of Women," chap. in *Founding Mothers and Fathers,* 203–39.
75. Ann Manning's Second Examination, SFC, 5:28.
76. Ann Parker's Examination, no. 605, SFC, 5:31.
77. Zipporah's Examination, no. 605, SFC, 5:28.
78. Elizabeth Mellows's Examination, no. 605, SFC, 5:28.

79. See Manning, *Genealogical and Biographical History of the Manning Families*, 780–81; "Nicholas Parker," in *The Great Migration Begins: Immigrants to New England, 1620–1633,* vols. 1–3 (Online database: NewEnglandAncestors.org, New England Historic Genealogical Society, 2002), accessed 17 June 2010; Mellen Chamberlain, *A Documentary History of Chelsea,* vol. 1 (Boston: Massachusetts Historical Society, 1908), 150.
80. Inquest Findings, no. 605, SFC, 5:30.
81. Zipporah's Indictment, SFC, 5:27.
82. Zipporah's Examination, no. 605, SFC, 5:28.
83. Ann Parker's Second Examination, SFC, 5:28.
84. Ann Parker's Examination, no. 605, SFC, 5:31.
85. Zipporah's Petition, no. 605, SFC, 5:27.
86. F. E. Bradish, ed., *Suffolk Deeds,* vol. 7 (Boston, 1880–1906), 43–44; *Suffolk Deeds,* vol., 17, p. 104; *Suffolk Deeds,* vol. 20, p. 443, Suffolk County Registry of Deeds, Boston.
87. "Boston Church Records," *The Records of the Churches of Boston.* CD-ROM. Boston: New England Historic Genealogical Society, 2002 (Online database. NewEnglandAncestors.org. New England Historic Genealogical Society, 2008), p. 52, accessed 22 June 2010.
88. Zipporah's Indictment, SFC, 5:27; Zipporah's Examination, no. 605, SFC, 5:28.
89. John and Ann Manning's son, Ephraim, might have been living at home, but he would have been only eight years old in 1663. See Manning, *Genealogical and Biographical History of the Manning Families*, 782. For Richard and Ann Parker's children, see Augustus G. Parker, *Parker in America, 1630–1910* (Buffalo, NY: Niagara Frontier Publishing Co., 1911), 40.
90. I would like to thank Melinde Sanborn for suggesting this possibility to me.
91. The case for Richard and Nicholas being brothers is not airtight, but it does seem very likely. *The Great Migration Begins* ("Nicholas Parker") says that the pair "were probably closely related, perhaps even brothers." The two shared a house and acted together in numerous business transactions. Nicholas Parker probably returned to England sometime shortly after 1651, when Jonathan would have been about eleven years old. Although it is possible that Nicholas Parker left his son in his married daughter's charge, it seems more likely that Jonathan was living with Richard Parker. When Jonathan Parker was first required to post bond in December of 1662, Richard Parker was the only surety on the bond. When Jonathan was required to post a heftier bond in early 1663, Richard Parker was the first surety listed on the bond, followed by Richard Parker's son-in-law, and, finally, Jonathan Parker's brother-in-law. See "Nicholas Parker" in *The Great Migration Begins: Immigrants to New England, 1620–1633,* vols. 1–3 (Online database: NewEnglandAncestors.org, New England Historic Genealogical Society, 2002), accessed 17 June 2010; Case of Jonathan Parker, no. 532, SFC.
92. Mary Hudson's Deposition, no. 532 SFC; Jonathan Parker's Grounds of Appeal to the Court of Assistants, no. 532, SFC.
93. Mary Hudson's Deposition, no. 532, SFC.
94. Ibid.

95. Jonathan Parker's Grounds of Appeal to the Court of Assistants, no. 532, SFC.
96. William Hudson's Complaint, no. 532, SFC.
97. Jonathan Parker's Grounds of Appeal to the Court of Assistants, no. 532, SFC.
98. Ibid.
99. Ann Parker's Examination, no. 605, SFC, 5:31.
100. Inquest Findings, no. 605, SFC, 5:30.
101. Jonathan Parker's Petition, no. 532, SFC.
102. Richard Parker, John Paine, and Arthur Mason's Petition to the General Court, SFC, 39:185.
103. Nathaniel Shurtleff, ed., *Records of the Governor and Company of Massachusetts Bay in New England,* vol. 4, pt. 2 (Boston: W. White, 1853), 81–2.
104. Many thanks to Jennifer Hammond for suggesting that Ann Manning and Ann Parker might have been motivated to conceal the paternity of Zipporah's child in part because they hoped to recover the bond.
105. Christopher Grant and Wife's Petition, Folio 52–3, MFC.
106. Alfred Young, *The Shoemaker and the Tea Party* (Boston: Beacon Press, 1999), 193.
107. Sanborn, "Angola and Elizabeth," 119–20.
108. Exodus 2:22 (KJV).

7. TRAITORS, REBELS, AND SLAVES

1. *The General Laws and Liberties of the Massachusetts Colony: Revised & Re-printed, by Order of the General Court Holden at Boston, May 15th, 1672* (Cambridge, MA: Samuel Green, 1672), 26.
2. *General Laws and Liberties* (1672), 26.
3. [Increase Mather], *The Necessity of Reformation with the Expedients Subservient Thereunto* (Boston: John Foster, 1679), 5.
4. Deodat Lawson, *Duty and Property of a Religious Householder Opened in a Sermon Delivered at Charlestown, on Lord's Day, December 25, 1692* (Boston: Bartholomew Green, 1693), 53.
5. Cotton Mather, *A Good Master Well Served: A Brief Discourse on the Necessary Properties & Practices of a Good Servant in Every-Kind of Servitude, and of the Methods That Should Be Taken by Heads of a Family to Obtain Such a Servant* (Boston: B. Green and J. Allen, 1696), 10.
6. Cotton Mather, *A Family Well-Ordered, Or An Essay to Render Parents and Children Happy in One Another* (Boston: B. Green and J. Allen, 1699), 8, 66.
7. John Demos, *A Little Commonwealth: Family Life in Plymouth Colony* (London: Oxford University Press, 1970), 108. Roger Thompson came to a similar conclusion. See Roger Thompson, *Sex in Middlesex: Popular Mores in a Massachusetts County, 1649–1699* (Amherst: University of Massachusetts Press, 1986), 164.
8. Lawson, *Duty and Property,* 49.
9. Quoted in Thompson, *Sex in Middlesex*, 163.
10. Cotton Mather, *Help for Distressed Parents, Or Counsels and Comforts for Godly Parents Afflicted with Ungodly Children, and Warnings unto Children to Beware of*

All Those Evil Courses, Which Would Be Afflictive unto Their Parents (Boston: John Allen, 1695), 25.

11. Lawson, *Duty and Property,* 44–45.
12. Cotton Mather, *Good Master Well Served,* 9.
13. Ibid., 40.
14. Cotton Mather, *Family Well-Ordered,* 65–66.
15. Cotton Mather, *Good Master Well Served,* 54.
16. Ibid., quotes on 12, 53–55.
17. Mary Jackson's Deposition, no. 1148, SFC, 12:67.
18. Jemima Bisse's Deposition, George Henley's Deposition, and Mary Read's Oath, no. 1148, SFC, 12:63, 58.
19. Hannah Bracket's Acknowledgement, Folio 112–2, MFC.
20. Mary Ball's Petition, Folio 55–2, MFC.
21. Elizabeth Dickerman's Complaint, Folio 94–3, MFC.
22. John Knight's Deposition, Folio 52–3, MFC.
23. William Healy's Petition, and William and Phoebe Healy's Examination, Folio 42–2, MFC. Although Healy's servants appear to have instigated the complaint against him, two of Phoebe Healy's family members posted bond to prosecute. See Bond, Folio 42–2, MFC; Lucius Paige, *History of Cambridge, Massachusetts, 1630–1877* (Boston: H. O. Houghton and Co., 1877).
24. Straightforward cases of sexual assault may have been the exception. In 1677, Hannah Mirack, servant to James Everill, was attacked by a group of young men while walking with Everill's granddaughter. James Everill prosecuted the men rather than abandoning Mirack. See Case of Zachariah Phillips and Michael Nowell, no. 1549, SFC, 18:33.
25. I have estimated Elizabeth Well's age based on the ages of the men with whom she was reputed to have had sex. Andrew Robinson was twenty-two in 1669. See Andrew Robinson's Deposition, Folio 42–2, MFC. James Tufts could not have been more than twenty years old. See Larkin T. Tufts and Edward C. Booth, "Tufts Genealogy—Earlier Generations," *New England Historical and Genealogical Register* 59 (July 1897): 299.
26. Elizabeth Pierce's Deposition, Folio 52–2, MFC.
27. Elizabeth Joyce and Mary Tufts's Deposition, Folio 52–2, MFC.
28. Mary Tufts Sr. and Mary Tufts Jr.'s Deposition, Folio 52–2, MFC.
29. Elizabeth Pierce's Deposition, Folio 52–2, MFC.
30. Mary Tufts's Deposition, Folio 52–2, MFC. Mary Tufts submitted several depositions.
31. Mary Tufts's Deposition, Folio 52–2, MFC.
32. Deposition of Elizabeth Pierce and Mary Tufts, Folio 52–2, MFC.
33. Manner and Form of Words and Actions between James Tufts and Elizabeth Wells, Folio 52–2, MFC.
34. Mary Tufts's Deposition, and Deposition of Mary Tufts Sr. and Mary Tufts Jr., Folio 52–2, MFC.
35. The record of Andrew Robinson's examination is ambiguous. He mentioned being charged "by the woman" and then denied that he had had sex with Elizabeth Wells.

Wells, however, consistently charged that James Tufts was the father of her child. It is likely that "the woman" Robinson was referring to was the older Mary Tufts. See Andrew Robinson's Examination, Folio 52–2, MFC.

36. Martha Farkner's Deposition, and Samuel Blunt's Deposition, Folio 52–2, MFC.
37. Deposition of Richard Kimmcot and Robert Carter, and John Greenland's Deposition, Folio 52–2, MFC.
38. Judith Thurston's Deposition, no. 600, SFC, 5:22.
39. Edward Pead's Deposition, no. 600, SFC, 5:22.
40. Elizabeth Chandler's deposition states that she was twenty-two years old. Horace Davis's genealogy has her born in 1641, which would have made her thirty-two years old in 1673. Elizabeth Douglas Chandler was the wife of John Chandler. John Chandler's mother was Annis Alcock Chandler. Her brother George's son was John Alcock. George Chandler, *The Descendants of William and Annis Chandler, Who Settled in Roxbury, Mass., 1637* (Boston: D. Clapp & Son, 1872), 1–23; Horace Davis, *Ancestry of John Davis, Governor and U.S. Senator, and Eliza Bancroft, His Wife, Both of Worcester, Massachusetts* (San Francisco, 1897), 66–67; Derek A. Palgrave and Patrick T. R. Palgrave-Moore, *The History and Lineage of the Palgraves* (Palgrave Society, 1978), 78.
41. Elizabeth Chandler's Deposition, no. 600, SFC, 5:22.
42. Benjamin Brisco's Deposition, no. 600, SFC, 5:21.
43. Benjamin Brisco and Elizabeth Cheney's Deposition, no. 600, SFC, 5:21.
44. Elizabeth Cheney's Complaint, no. 600, SFC, 5:21.
45. John Chandler's Deposition, no. 600, SFC, 5:23.
46. Ibid.
47. Elizabeth Chandler's Deposition, no. 600, SFC, 5:22.
48. John Huntley's Deposition, no. 600, SFC, 5:22.
49. John Chandler's Deposition, no. 600, SFC, 5:23.
50. The substance of John Hill's deposition was confirmed by John Chandler.
51. John Hill's Deposition, no. 600, SFC, 5:22.
52. Ruth Story Devereux Eddy, *The Eddy Family in America* (Boston: T. O. Metcalf, 1930), 31.
53. *Middlesex County Court Minute Book,* 1 April 1679, transcription by David Pulsifer, Massachusetts Archives, Boston.
54. Peter Towne's Petition, Folio 82–5, MFC; Peter Towne's Petition, Folio 83–7, MFC.
55. Massachusetts Bay Court of Assistants, *Records of the Court of Assistants of the Colony of the Massachusetts Bay, 1630–1692,* vol. 1, ed. John Noble (Boston: Rockwell and Churchill Press, 1901), 74 (13 September 1676); Robert Cox's Petition, no. 1501, SFC.
56. *Middlesex County Court Minute Book,* 2 April 1678.
57. Samuel Snow and Joseph Carter's Deposition, Folio 85–2, MFC.
58. Bond, Folio 70–3, MFC.
59. The only family member listed in Thomas Bellows Wyman's *Genealogies and Estates of Charlestown* was Sarah Brown Poor's brother, John. There is a notation that he was in Charlestown in 1670. Nothing is known about his occupation, and he does not appear to have married. According to Joseph Dow, John Brown died in 1683. See Thomas Bellows Wyman, *The Genealogies and Estates of Charlestown, in the*

County of Middlesex and Commonwealth of Massachusetts, 1629–1818 (Boston: David Clapp and Son, 1879; repr., Somersworth, NH: New England History Press, 1982); and Joseph Dow, *History of the Town of Hampton, New Hampshire, from Its Settlement in 1638, to the Autumn of 1892,* vol. 2, *Genealogical and Biographical* (Salem, MA: Salem Press Publishing and Printing Co., 1893; repr., Hampton, NH: Peter E. Randall, 1977).

60. *Middlesex County Court Minute Book,* 20 June 1682; Wyman, *Genealogies and Estates of Charlestown.*
61. Anna Ballatt's Deposition, Folio 113–5, MFC.
62. Martha Collins's Deposition, Folio 113–5, MFC.
63. *Middlesex County Court Minute Book,* 7 July 1685, 14 August 1685, 6 October 1685.
64. Expenses upon the Sickness and Burial of Sarah Poor, 130–2, MFC.
65. Wyman, *Genealogies and Estates of Charlestown.*
66. *Middlesex County Court Minute Book,* 29 January 1683.
67. Deborah Cane's Deposition, Folio 102–5, MFC.
68. As far as I can tell neither Zechariah Hicks, Golden Moore, nor John Gove, who served as witnesses to Healy's confession, held any sort of office that made them responsible for public morals.
69. Zachariah Hicks Sr.'s Deposition, 102–5, MFC.
70. *Middlesex County Court Minute Book,* 2 November 1682.
71. Only one man, John Trask, was tried for the capital crime of incest in this period, and no details of the case are known. See *Records of the Superior Court of Judicature,* October 1698, Massachusetts Archives, Boston. Other cases do contain passing references to incest. Most commonly, these are cases of men and women marrying within the prohibited degrees.
72. Samuel Eliot Morison and Zechariah Chafee Jr., eds., *Records of the Suffolk County Court, 1671–1680,* pt. 2, Publications of the Colonial Society of Massachusetts, vol. 30 (Boston: John Wilson and Son, 1933), 1099–1100 (4 November 1679).
73. Ibid., pt. 2, 807 (24 April 1677).
74. Elizabeth Wells's Declaration, Folio 52–2, MFC.
75. Burnham R. Creer, "Vinton Memorial: Addition," *New England Historical and Genealogical Register* 85 (January 1931): 109–10.
76. Franklin Bowditch Dexter, ed., *New Haven Town Records,* vol. 2 (New Haven, CT: New Haven Historical Society, 1919), 98–99 (6 September 1664); Stephen P. Carlson, *The Scots at Hammersmith* (Saugus, MA: Eastern National Park & Monument Association, 1976), 6, 16.
77. Henry and Sarah Merrow's Deposition, Folio 94–2, MFC.
78. Sarah Vinton's Examination, Folio 94–2, MFC.
79. John Thompson's Petition, Folio 95–2, MFC.
80. Wyman, *Genealogies and Estates of Charlestown,* 294.
81. Elizabeth Dickerman's Complaint against Her Master, Folio 94–3, MFC.
82. Elizabeth Dickerman's Complaint against Her Master's Son, Folio 94–3, MFC.
83. Elizabeth Dickerman's Complaint against Her Master, Folio 94–3, MFC.
84. Order, Folio 94–3; *Middlesex County Court Minute Book,* 21 June 1681.
85. Frances Negro's Deposition, Folio 72–3, MFC.

86. Elizabeth Lawson's Deposition, no. 913, SFC.
87. Elizabeth Stevens's Petition, MAC, 9:52.
88. Margaret Cock's Petition, no. 6539, SFC, 65:66.
89. Ellis Ames and Abner Cheney Goodell, eds., *The Acts and Resolves, Public and Private, of the Province of the Massachusetts Bay,* vol. 1 (Boston: Wright & Potter, 1869), 178.
90. It is significant, however, that none of the charges of premarital fornication involved interracial liaisons.
91. The record book has a blank space after the man's first name, as if the court expected to insert a last name. This suggests that the word "Spanish" should be taken to mean that the man's ancestry was part Spanish rather than that he was a Spanish Indian.
92. Winthrop D. Jordan, *White over Black: American Attitudes toward the Negro, 1550–1812* (Chapel Hill: University of North Carolina Press, 1968), 66. The percentage of black men and women was higher in larger urban areas like Boston. Unfortunately, the record books do not consistently list the town from which defendants came. Nearly half of these cases were from Middlesex County, however, so interracial fornication was definitely not limited to Boston.
93. Ira Berlin, "Expansion of Creole Society in the North," chap. in *Many Thousands Gone: The First Two Centuries of Slavery in North America* (Cambridge, MA: Belknap Press of Harvard University Press, 1998), 47–63.
94. The case does not appear in any surviving record book because the minutes for 1669 were destroyed in a fire in the 1670s.
95. I have been unable to determine the relationship between John Carter and Joseph Carter. Joseph Carter does not appear in Samuel Sewall, *History of Woburn, Middlesex County, Mass., from the Grant of Its Territory to Charlestown, in 1640, to the Year 1860* (Boston: Wiggin and Lunt, 1868). John Carter's family was heavily represented among the list of deponents in Joanna's case, however, and it is unlikely that Joseph Carter just happened to have the same last name as the deponents. For family relationships, see Sewall, *History of Woburn.*
96. Sewall, *History of Woburn.*
97. James Covars and John Carter's Deposition, Folio 117–4, MFC.
98. Bethia Carter Sr. and Bethia Carter Jr.'s Deposition, Folio 117–4, MFC.
99. Joseph Winn and Israel Reed's Deposition, Folio 123–1, MFC.
100. Thomas and Ruth Kendall's Deposition, Folio 117–4, MFC.
101. William Reed and Joseph Wyman's Deposition, Folio 123–1, MFC.
102. *Middlesex County Court Minute Book,* 15 December 1685.
103. Male servants appear to have fathered bastards—or at least to have been named as the fathers of bastards—fairly infrequently. Sylvannus Warro, of course, was sold as a slave to pay his child maintenance costs. The fate of most servants who fathered bastards was probably considerably less dramatic.
104. Susannah Woodward vs. Thomas Hastings Jr., Folio 59–1, MFC. Those testifying on Hastings's behalf included his immediate family and members of the allied Barstow and Shattuck clans. The relationship between the Barstow and Hastings

family is not entirely clear. Thomas Hastings Sr. was the executor of Michael Barstow's will. Michael Barstow had other living relatives, and it seems unlikely that he would have entrusted his estate to a man outside his family. Those testifying on Susannah Woodward's behalf included Susannah's aunt and her aunt's mother. For relationships, see "Michael Barstow's Will," *New England Historical and Genealogical Register* 8 (April 1854): 169–70; Henry Bond, *Genealogies of the Descendants of the Early Settlers of Watertown, Massachusetts* (Boston: New England Historic Genealogical Society, 1860); Wyman, *Genealogies and Estates of Charlestown;* Lindsay S. Reeks, *Woodward/Woodard Ancestors of New England* (Baltimore: Gateway Press, 1995), 20; Lydia Nelson Hastings Buckminster, *The Hastings Memorial: A Genealogical Account of the Descendants of Thomas Hastings of Watertown, Mass., from 1634 to 1864* (Boston: Samuel G. Drake, 1866), 6–7.

105. *Watertown Records* (Watertown, MA: Watertown Historical Society, 1894), 109 (24 October 1624).
106. Reeks, *Woodward/Woodard Ancestors*, 20, 28.
107. Elizabeth Wells's Petition, Folio 52–2, MFC.
108. Account of Charges Related to Elizabeth Wells, Folio 52–2, MFC.
109. Jane Boen's Petition, Folio 30–4, MFC.
110. *Middlesex County Court Minute Book,* 17 June 1662, 7 October 1662; James Savage, *A Genealogical Dictionary of the First Settlers of New England* (Boston: 1860–1862).
111. Jane Boen's Petition, Folio 30–4, MFC.
112. Lucius R. Paige, "Dunster and Wade Families," *New England Historical and Genealogical Register* 27 (July 1873): 307.
113. Nathaniel and [Rebecca] Patten's Deposition, and Christopher Grant's Deposition, Folio 66–5, MFC.
114. Order to Prison Keeper, Folio 66–5, MFC; Order to the Prison Keeper, Folio 67–4, MFC.
115. William Healy's Petition, Folio 66–5, MFC.
116. *Middlesex County Court Minute Book,* 8 October 1674.
117. *Report of the Record Commissioners of the City of Boston,* vol. 4, *Dorchester Town Records* (Boston: Rockwell and Churchill, 1883), 143 (5 July 1667 and 9 September 1667) and 158 (4 December 1668), hereafter *Dorchester Town Records.* The town of Dorchester paid her lying-in expenses, which strongly suggests both that she was poor and that she did not have family in the area. No mention is made of her in the Dorchester town records or any other record I have been able to find after the reference to her lying-in charges.
118. *Dorchester Town Records,* 158 (4 December 1668).
119. Ibid., 165 (23 May 1670) and 168 (19 May 1670).
120. Anthony Newton had an adult son who died in 1678, and his wife was admitted as a church member in 1681. He received town land in 1638. Assuming that he was at least twenty-one when he was given land by the town, he would have been at least in his early fifties when he took in Frances Tree's child. However, we do not know how much difference in age there was between Anthony and his wife or even how many times he was married. See Ermina Newton Leonard, *Newton Genealogy: Being a*

Record of the Descendants of Richard Newton of Sudbury and Marlborough, Massachusetts, 1638 . . . (De Pere, WI: Bernard Ammidown Leonard, 1915), 798, and *Dorchester Town Records,* 28 (2 January 1638). Newton was paid £5 twice after the initial payment he received with the contract. See *Dorchester Town Records,* 173 (10 January 1671) and 186 (10 September 1672).

121. Lola June Bjorkqvist Warrick, *Family Connections A to Z: Genealogy and Lines Connecting to Merrifield, Bjorkqvist, Warrick* (1992), 36.
122. By 1677, Henry Merrifield's debts to the town were listed as desperate. *Dorchester Town Records,* 243.
123. According to the evidence gathered by Valerie Fildes, wet nurses in seventeenth-century England were paid between two and a half and seven and a half shillings per week. The families often supplemented these payments with additional payments "in kind," which could as much as double the value of the payments. Valerie Fildes, *Breasts, Bottles and Babies: A History of Infant Feeding* (Edinburgh: Edinburgh University Press, 1986), 161.
124. *Dorchester Town Records,* 168 (19 May 1670).
125. Ibid., 174 (6 March 1671).
126. Ibid., 179 (1671).
127. *A Report of the Record Commissioners of the City of Boston,* vol. 7, *Boston Records from 1660 to 1701* (Boston: Rockwell and Churchill, 1881), 146 (28 April 1681).
128. Lorenzo Johnston Greene, *The Negro in Colonial New England* (New York: Columbia University Press, 1942; repr., New York: Atheneum, 1969), 63–65.
129. Berlin, *Many Thousands Gone*, 125–26; Philip D. Morgan, *Slave Counterpoint: Black Culture in the Eighteenth-Century Chesapeake and Lowcountry* (Chapel Hill: University of North Carolina Press, 1998), 79–82.
130. John Brigham's Deposition, Arabella Read's Will, Folio, 116X-1, MFC.
131. *Boston Weekly News-Letter,* 4 October 1740.
132. Ibid., 4 February 1742/3.
133. Ibid., 23 September 1706.
134. Ibid., 18 January 1750.
135. Ibid., 11 October 1750.
136. Ibid., 27 October 1748.

CONCLUSION

1. Richard P. Gildrie, *The Profane, the Civil, and the Godly: The Reformation of Manners in Orthodox New England, 1679–1749* (University Park: Pennsylvania State University Press, 1994).
2. See especially chapter 6 in Edgar J. McManus, *Law and Liberty in Early New England: Criminal Justice and Due Process, 1620–1692* (Amherst: University of Massachusetts Press, 1993).
3. *The Colonial Laws of Massachusetts: Reprinted from the Edition of 1660, with the Supplements to 1672, Containing Also, the Body of Liberties of 1641* (Boston: Rockwell and Churchill, 1889), 33.

4. See especially chapter 7 in Edmund S. Morgan, *The Puritan Family,* rev. and enl. (New York: Harper & Row, 1966). *The Puritan Family* was first published in book form in 1944.

A PEEK BEHIND THE SCENES

1. Mary Beth Norton, "Appendix: Data and Methodology," in *Founding Mothers and Fathers: Gendered Power and the Forming of American Society* (New York: Alfred A. Knopf, 1996), 411–12.
2. Helena M. Wall, *Fierce Communion: Family and Community in Early America* (Cambridge, MA: Harvard University Press, 1990), 153–70.
3. Roger Thompson, *Sex in Middlesex: Popular Mores in a Massachusetts County, 1649–1699* (Amherst: University of Massachusetts Press, 1986), 169–89.

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Indeed, 1999 was the year of great beginnings for me. I married my husband, Adam Morris, within months of beginning this book. For the past twelve years, he has accepted the fact that almost any activity might be interrupted or postponed by a muttered "Wait, I have an idea" or more enigmatic comments like "What if she didn't speak English?!" and a mad dash to the computer. As if that were not enough, in 2007 my dyed-in-the-wool New Yorker husband quit the job he loved and moved with me to Missouri so that I could take a job at MU and continue to research and write. Rather than pine for the big city, he arrived with an open mind and discovered all the new things he could do living in (what seems to us) a small town. Through it all, Adam has built my computers and kept them running, introduced me to the best video games, and reminded me that working hard and working well are not always the same thing. He believed in me even when I lost faith in myself and reminded me over and over again how much I love history and historical research, even if I wasn't feeling much affection for them at the time. He told me that the tough times would be worth it. It turns out he was right.

M. Michelle Morris
Columbia, Missouri

Index

Abandonment of child, 37–39
Abortion, 31, 34, 91–92, 116–117, 216
Adultery, 2, 46, 51–52, 71, 112
Alcock, John, 218
Amberdecest (Indian), 178
Andrews, Ester, 185
Andrews, John, 185
Andrews, Susannah, 185
Arrington, Abraham, 19–20
Arrington, Hannah, 29
Ash, Mary, 114, 127
Attempted rape, 2, 112, 126, 269–270n7
Austin, Ebenezer, 67
Authority, xi–xiii, 52, 65–66, 142–152

Bacon, Mary, 119
Bacon, Michael, 119, 131
Ball, Mary, 66, 212, 226
Barker, Judith (Simonds), 129
Barrett, Mary, 151
Barrett, Samuel, 151
Bastard children, 235–239. *See also* Child maintenance; Fornication; Paternity suits; Reputed fathers
Bastian (black slave), 222
Beale, Martha, 54–57, 97, 112, 156–160, 226
Beale, William, 156–160
Belcher, Elizabeth (Danforth), 29–30, 31, 35–36
Bennet, Margaret, 81
Bent, Elizabeth, 64
Bent, Joseph, 63, 66
Berlin, Ira, 7
Betty (Indian), 126, 127
Bible, 51–53; familiarity with, 51–52, 61–62, 66; as typological source, 53–60, 71–72; on rape, 56, 111–113. *See also* Typology (biblical)
Bigamy, 69, 82, 95, 174–176
Binding out, 23, 39, 234, 235–237. *See also* Life-cycle service
Boen, Jane, 234–235
Bonds, 32, 48, 199, 222–225
Brackett, Alice (Blower), 41
Brackett, Elizabeth, 43
Brackett, Hannah, 14, 40–45, 49, 64, 65, 67, 226
Brackett, Hannah (French), 41
Brackett, John, 41, 43–44, 50
Brackett, Richard, 41, 47
Brackett, Ruth (Ellice), 43

Bradstreet, Simon, 157, 159
Bridal pregnancy. *See* Premarital fornication
Bridges, Hackaliah, 98, 101
Bridges, Obadiah, 98–99, 101
Brigham, John, 238
Brooks, Isaac, 134–135, 137
Brooks, Timothy, 114
Brown, Barbara, 30, 36
Brown, Lydia, 98
Brown, Robert, 30, 36
Bucknam, Jose, 177
Burridge, Elizabeth, 165
Burridge, John, 165
Bursely, Sarah, 126, 127

Cane, Deborah, 225
Carey, Elizabeth, 174–176
Carey, Mary (Sylvester), 174–176
Carey, Matthew, 174–176
Carter, Bethia, 232
Carter, John, 136, 232
Carter, Joseph, 231–232
Celibacy, 9, 74, 76–79
Chadwick, John, 233
Chandler, Elizabeth, 218–221
Chandler, John, 219–221
Chandler, Mary (Simonds), 129
Charles (Indian), 179, 182, 185
Chastity, 9, 74, 77
Cheese, sex for, 79
Cheny, William, 127
Childbirth, 181; assigning paternity during, 17, 33–34, 43; evidence of premature, 162–165, 195, 201; among American Indians, 183
Childcare. *See* Parenting
Child maintenance, 39, 168–169
Clark, Margaret, 119, 121–123
Clark, Purchase, 227
Clergy, 52–53, 63, 67–68, 142–148, 209–212. *See also individual names*
Cole, Elizabeth, 223
Cole, John, 90, 223
Cole, Ursula, 90, 223
Collins, Martha, 224
Community, xiii, 242; policing function, 4–6, 27–28, 31–33, 49, 176, 227
Conception, two-seed theory of, 58, 124
Convars, James, 134–135, 232
Convars, Josiah, 136, 167
Cooke, Joseph, 29, 32, 33–34
Cooke, Martha, 33–34
Cooper, Sarah, 69–70
Cooper, Thomas, 69–70
Corbet, Robert, 190
Cotton, John, 56, 111
Courts. *See* Judicial system
Courtship, 10, 106–108, 148–152. *See also* Fornication; Premarital fornication
Cox, Robert, 222
Craggon, John, 117, 131
Craggon, Sarah, 133–134, 276n92
Crispe, Zachariah, 169
Cromwell, Oliver, 13
Crouch, Mary, 153
Crouch, Sarah, 73, 152–153, 166, 206
Croy, Peter, 114, 127

Dane, Elizabeth, 60, 71, 80
Danforth, Elizabeth, 43
Danforth, Thomas, 15, 19, 35–36, 114, 115, 136
Davis, Mary, 225
Davis, Walter, 225
Demons. *See* Devil
Demos, John, 3, 210
Desertion of spouse, 69–70, 81–82
Devil, 94, 96; and etiology of sin, 63–64, 67; sex with, 93–94
Dexter, Bridget, 98–109, 150
Dexter, John, 101
Dexter, Richard, 98–109, 150
Dexter, Sarah, 61, 98–109, 150
Dickerman, Elizabeth, 212, 227–228
Divorce, 2, 69–71, 78–79, 80–82, 106, 264n16; self-divorce, 70–71; *a mensa et thoro*, 78–79; grounds for, 81; in England, 81, 173, 265n24, 269n106, 284n113; *a vinculo*, 81–82; and sexual temptation, 81–82; and impotence, 82–83
Double standard (sexual), 21, 244
Dow, Henry, 164
Downame, John, 77–78

Doy, Darly, 225
Drake, Thomas, 183, 187–188, 189
Dry nursing, 170, 237, 239
Dunster, David, 234–235

Edy, Ruth, 218–219
Eldor, Daniel, 149
Eliot, John Jr., 14, 40–45
Elizabeth (black slave), 192, 193
Emerson, Elizabeth, 181, 182
English, Philip, 69
Eyres, Hannah, 81

Family, 3–4, 6–11, 40, 46, 241–246; policing function of, 6–7, 28–29, 48–49, 151–177, 242–243; as advocates, 8, 32–36, 44, 49–50, 110–111, 115–141, 281n52; servants as members of, 40–41, 42, 49, 60, 65, 209–211, 212–213, 277; fornication as sin against, 65. *See also* Marriage; Parenting; Patriarchal authority
Family values, 241
Fiske, Sarah, 166
Fitch, James, 77, 143
Flagg, Michael, 39
Flood, Mary, 180
Fornication, 2, 20, 26, 32, 46, 51, 160–162, 244; difficulty convicting men of, 16, 21; as sin, 42, 62–65, 216–217. *See also* Premarital fornication; Double standard (sexual)
Fornication confessions, 62–67; orthodoxy of, 62–64, 67; gender differences in, 65, 261n52; sincerity of, 65–67, 260n25
Fosket, Elizabeth (Powell Leach), 85–86
Fosket, Hannah, 84–85
Fosket, John, 83–94
Fosket, Thomas, 83, 85, 86
Fowle, Peter, 227
Francis, Alice, 105
Francis, Stephen, 104
French, Hannah, 179, 185–186, 189, 190, 286n33
French, Steven, 179, 185, 186

Gardiner, Anna, 58–60, 67, 150, 167–168
Gardiner, Ezekiel, 218–221
Gardiner, Richard, 58, 61, 167–168
Gardiner, Thomas, 226
Garey, Stephen, 223–224
Garland, Elizabeth, 163–164
Garland, John, 163–164
George (black slave), 190
Gibson, Samuel, 31, 34
Glasier, Elizabeth, 114, 130–131, 132
Glasier, John, 127, 132
Goale, John, 151
Godbeer, Richard, 4
Gookin, Daniel Jr., 32
Gookin, Daniel Sr., 13–14, 15, 17–18, 20–21, 24–26, 32–33, 34, 35, 37–38, 44, 45–47, 48, 136–137, 221, 229
Gookin, Mary, 44, 50
Gookin, Samuel, 14, 27–40, 49, 150
Goss, Hannah, 70
Goss, Philip, 70
Gouge, William, 142
Grace (black slave), 182
Grace (black slave, mother of Zipporah), 207
Grant, Abigail. *See* Rose, Abigail (Grant)
Grant, Christopher Jr., 73, 152–153, 166, 185, 206
Grant, Christopher Sr., 166
Grant, Joseph, 65, 152, 166
Grant, Mary. *See* Smith, Mary (Grant)
Grant, Mary Sr., 154–155
Green, Elizabeth, 172, 174
Green, Ruth, 30, 31, 36–37
Green, Samuel, 149, 172
Green Sickness, 73, 75
Greven, Philip, 3

Hagar (black slave), 15–16, 17, 46, 230–231
Haire, Mary, 181–182
Hall, David, 51–52
Hambleton, Else, 270n12, 270–271n13
Hammond, Jennifer, 290n104
Harris, John, 227–228
Harris, Mary, 151
Hastings, Abigail (Hammond), 163
Hastings, John, 163
Hastings, Margaret, 163

Hastings, Thomas Jr., 96–97, 233
Hastings, Thomas Sr., 233
Haugh, Atherton, 193
Healy, William, 150, 225
Hennenway, Ruth, 149
Heywood, Sarah (Simonds), 129
Hezechia (Indian), 127
Hicks, Zachariah, 225
Hincksman, Hannah, 169–170
Hodgman, Edward, 97
Hoffer, Peter, 3, 180
Holbrooke, Experience, 125, 126, 127, 228
Holmes, Elizabeth, 51, 80
Holton, Mary, 171–172
Holton, Samuel, 171–172, 284n109
Household government, xii, 8, 18–20, 83, 213; relationship to political government, 16, 18–20, 48, 142–148, 245. *See also* Family; Parenting; Patriarchal authority; Servants
Hudson, Mary, 204
Hudson, William, 196, 203, 204, 205
Hull, N.E.H., 7, 180
Hunt, Ebbett, 183, 189
Hunting, Samuel, 56, 157, 158
Huntley, John, 219–220

Impotence, 81, 82–83, 92–93
Incest, 42, 226, 293n71
Indians, 46, 178–179, 183, 184–185, 229–230. *See also individual names*
Infanticide, 2, 7, 179–182, 185, 192–193, 285n6

Jackson, Mary, 212
Jane (black slave), 221
Jeffs, Elizabeth, 216
Jethro (black slave), 196, 202
Joanna (black slave), 231–232
John (Indian), 127
Johnson, Abigail, 70
Johnson, Bethiah, 125, 126, 150, 165
Johnson, John, 134–135, 276n97
Johnson, Marmaduke, 149, 172–174, 284n110
Johnson, Matthew, 167
Johnson, Susannah, 119, 121–123
Johnson, Thomas, 172–174
Jones, Dorothy, 169–170
Jones, John, 169
Jones, Thomas, 153
Judicial system, 243, 272n29; as battleground, 6–7, 31–37, 116–140, 244; justice in, 7, 21, 65–66, 243–244; and race, 26, 230–231, 237, 244; manipulation of, 138–140, 162–164, 177, 244; and servants, 213, 233–235. *See also* Authority; Juries; Justice; Law
Juries: tampering with, 134–137, 276n97; attainting, 135
Justice, 7, 243–245

Keayne, Robert, 207
Keeny, Thomas, 126, 222
Kellen, Hannah, 55, 158–159
Kendall, Ruth, 232
Kendall, Thomas, 232
Ker, Patrick, 64
Kidder, Ann, 43
King Philip's War, 18, 19, 35, 110, 171, 178, 241
Knapp, John, 153–154, 156
Knight, Dinah, 110, 114, 115, 117, 119, 128, 129–132
Knight, Hannah, 131–132
Knil, Ruth, 160
Knowlton, Benjamin, 96
Koehler, Lyle, 3

Lambert, Sarah, 113, 127
Largin, Sarah, 151
Lascivious carriage, 2, 226
Law: on marriage, 9–10, 69–71, 78–79, 97–98, 107–108, 148–149; patriarchal authority supported by, 10; and race, 15–16, 229; on slavery, 15–16, 255n6, 255n8; on assigning paternity, 17, 37, 214–215, 255n11; on fornication, 26, 96; on adultery, 51–52; popular knowledge of, 51–52, 68–72; relationship to religious teachings, 52, 61; of coverture, 84–85; on rape, 111–113, 124–125; on jury selection, 136; on bigamy, 175–176; on

infanticide, 179–182; on burglary, 206; and procedural protections, 243. *See also* Judicial system
Law, John, 60, 80
Lawson, Deodat, 143, 144, 209, 210
Lawson, Elizabeth, 70–71
Leach, Mary, 86
Leach, Robert, 83–86
Legal residency, 21–22
Life-cycle service, 40. *See also* Binding out
Lilly, Samuel, 177
Longhorne, Thomas, 30, 31, 36–37, 51–52, 68, 80
Lovell, Mary, 48, 225
Lovett, Hannah, 164–165
Luther, Martin, 76
Lyman, Dorcas, 172
Lynde, Thomas, 85

Main, Gloria, 3
Makepeace, Elizabeth, 194, 202
Manning, Ann, 191, 192, 193–208
Manning, John, 15–17, 46
Manning, John (husband of Ann), 191, 192, 203
Marea (Spanish Indian slave), 178–191, 222
Marriage, 74, 86, 107–108, 148–149, 170–171; importance of sexual intercourse to, 9; Puritan reform of, 9–10, 69–71, 94–97; in response to rape, 56; and lust, 78; and spousal separation, 78–79; as the onset of adulthood, 82–83, 107; clandestine marriage, 95; interracial, 229, 294n90. *See also* Divorce; Premarital fornication
Martin, Mary, 193
Mary (free black), 192–193
Mather, Cotton, 63, 67, 68, 76, 142–143, 145–147, 209–210, 211–212, 240
Mather, Increase, 16, 60, 142, 143, 144–145, 209
Maynard, Lydia, 166
Medical advice literature. *See* Sexual and medical advice literature
Mellins, Elizabeth, 168–169, 177
Mellows, Elizabeth, 191–192, 194, 195, 196, 197–198, 202
Merrifield, Henry, 236
Merrifield, Margaret, 236–237
Midwives, 17, 115, 164–165, 181, 194, 196, 199
Mighill, Thomas, 189–190
Minot, James, 236
Mitchelson, Mary, 226
Moore, Joseph, 166
Moore, Robert, 7
Morgan, Edmund, 3, 244
Mothers, 10, 97, 108, 138–140, 155, 162, 170, 172, 181, 234, 235, 278n7; enslaved, 237–239. *See also* Parenting *and individual names*
Mousall, Elizabeth, 88–91, 149
Mousall, John, 85, 87–94

Nahanton (Indian), 178
Native Americans. *See* Indians
Naylor, Katherine, 212
Neighbors. *See* Community
Nevers, Richard, 57–60, 61, 67, 91–92, 150, 167–168
Newton, Anthony, 236
Norton, Mary Beth, 6

Orgasm, 58, 75

Parenting, 10–11, 28–29, 37–39, 78, 98–109, 142–152, 160–162, 209–211. *See also* Patriarchal authority
Parke, William, 20–23, 24, 46, 48
Parker, Abraham, 23
Parker, Ann, 191, 192, 194–208
Parker, Edmund, 22–24, 27, 46, 48
Parker, Elizabeth, 14, 21–24, 27
Parker, Jonathan, 203–207, 289n91
Parker, Moses, 151
Parker, Richard, 191, 196–197, 203, 206
Parminter, George, 78
Paternity suits, 16, 28, 33–37, 228. *See also* Child maintenance; Reputed fathers
Patriarchal authority, 9–11, 16–17, 38–39, 47, 106–109; as dependent on sexual potency, 82–83, 92–94. *See also* Household government; Parenting
Patten, Nathaniel, 235
Payne, Elizabeth, 182

Pead, Edward, 218
Peggy, Edward, 149
Perjury, 131
Perkins, Hannah, 158–159
Perry, William, 165–166
Philip (black slave), 221
Phillips, Ephraim, 221
Pierce, Elizabeth, 110–141
Pierce, Elizabeth (mother of Mary Tufts Sr.), 215
Pierce, John, 169
Pierce, Mary, 111, 117, 138, 140
Pierce, Robert, 111, 117, 129, 131, 132, 134–138, 139
Pike, Mary, 96, 97
Pinson, Edmund, 61, 98–109, 268n79
Pinson, Sarah (Dexter). *See* Dexter, Sarah
Plane, Ann Marie, 3
Platts, Judith, 226
Plimpton, Mary, 171
Plimpton, Peter, 171
Pollard, Deliverance, 64
Poor, John, 223
Poor, Sarah, 48, 223–225
Poor, Sarah (Brown), 223
Pore, Trial, 64, 65
Pore, Walter, 63, 64
Pratt, Sarah, 186–187, 189, 190
Pratt, Thomas, 190
Premarital fornication, 2, 46, 78, 94–98, 160–162, 233, 294n90; and claims of premature births, 162–165
Priest, Margaret, 221
Privacy, 4, 5
Prout, Timothy, 221
Puritanism, 16–17, 52–53, 69, 94–95, 180–181, 259–260n4; popular adherence to, 8–9; and attitudes toward sexual intercourse, 73–74, 76–78. *See also* Bible; Clergy; Religious knowledge

Quincey, Elizabeth (Gookin Eliot), 44

Race, 7, 15–16, 26, 192, 198, 201, 211–212, 228–229, 237, 244. *See also* Indians; Slavery/Slaves
Randall, John, 188
Rape, 2, 54–57, 58–60, 111–115, 124–127, 223, 228, 270n12, 270–271n13; difficulty in prosecuting, 112–113, 244; crying out as a defense against, 126–128
Read, Mary, 212
Reed, John, 190
Reed, William, 232
Reeves, Mary, 218–221
Religious knowledge, 51–52, 67–68. *See also* Bible; Puritanism
Remington, Jonathan, 36
Remington, Martha (Belcher), 29–30, 31, 35–36
Reputed fathers, 15, 37, 167–170, 214–215, 294n103. *See also* Paternity suits *and individual names*
Reynolds, Samuel, 150
Richard (black slave), 207
Richardson, Hannah, 203
Richardson, Ruth, 127
Robinson, Andrew, 99, 216–217
Robinson, Elizabeth, 163–164
Robinson, Elizabeth (Waffe), 158–159
Roby, Elizabeth, 163–164
Roby, Henry, 164
Rogers, Sarah, 82
Rose (black slave), 182
Rose, Abigail (Grant), 64, 152
Rose, Roger, 96, 154, 155
Rowe, Elias, 54, 56, 156–160
Rowe, John, 54–57, 97, 112, 156–160
Rowlandson, Mary, 184

Sampson (black slave), 232
Sanborn, Melinde, 289n90
Sanders, Mary (Vocah), 69
Sanders, William, 69
Sands, Sibella, 192, 193, 194–199, 208
Sanford, Elizabeth, 149
Sapato, Mary, 237
Satan. *See* Devil
Savin, 31, 216
Secker, William, 76
Seers, John, 136
Sentimentality, xiii, 107, 243
Servants, 2, 8, 21, 49–50, 199, 207, 209–211, 212–213, 222–228. *See also*

Binding out; Family: servants as members of; Life-cycle service
Sexual abuse/assault, 54, 207, 225–228, 291n24. *See also* Attempted rape
Sexual and medical advice literature, 31, 91–92, 266n43, 267n61; *Aristotle's Masterpiece*, 74–75, 78, 91, 266n43; *The Expert Midwife*, 88, 91–94, 267n60; *Aristotle's Problems*, 91; *The Method of Physic*, 91
Sexual consent, 55, 124–125, 128; required for conception, 58, 124; age of, 223. *See also* Rape
Sexual crime, 2–3. *See also* Adultery; Attempted rape; Bigamy; Fornication; Incest; Infanticide; Lascivious carriage; Premarital fornication; Rape; Sodomy
Sexual intercourse, 9; Puritan attitudes toward, 73–82, 263n2; as impetus for marriage, 94–98, 107–109; interracial, 228–232, 294n90, 294n92; sadomasochism; 277n115. *See also* Impotence
Shed, Ruth, 54, 71
Simonds, Benjamin, 110–141
Simons, D. Breton, 285n122
Simonds, Huldah, 131
Simonds, Judith, 115
Sin: gendered interpretations of, 42, 44; as universal human experience, 45–46. *See also* Puritanism
Slander, 2, 106, 138–140
Slavery/Slaves, 2, 8, 15–16, 17–18, 20, 21, 49–50, 191, 200, 211–212, 221–222, 237–238, 244, 255n6; and race, 26, 198, 229–230, 255n8; infants, 237–239. *See also individual names*
Smith, Daniel, 96, 97, 153–156
Smith, Mary, 154
Smith, Mary (Grant), 96, 97, 153–156
Smith, Sarah, 181, 182
Smith, Sarah (Brigham), 238
Snow, Samuel, 232
Sodomy, 2
Spousal abuse, 150
Sprague, Samuel, 68, 168–169
Spring, Hannah, 63, 65, 66
Stanwood, Mary Jr., 169–170
Stanwood, Mary Sr., 169
Stevens, Elizabeth, 71
Stevens, Henry, 71
Stevenson, Andrew Jr., 28, 36
Stevenson, Andrew Sr., 28, 37–39, 48, 149
Stevenson, Hannah, 14, 27–40, 48, 49, 80, 149
Stevenson, Jane (Alcock), 27–28, 47, 149
Stimpson, Andrew Sr. *See* Stevenson, Andrew Sr.
Stock, deliverance, 236, 237
Strong, Mary, 171
Summers, Henry, 136, 137
Swasy, Stephen, 69
Sylvester, Giles, 174–176, 177
Sylvester, Mary. *See* Carey, Mary (Sylvester)

Taylor, Hepsibah, 63, 64
Thayer, Ann, 70
Thomas, Alice, 169
Thompson, John, 66, 227
Thompson, Roger, 46
Thorp, Peter, 41, 42
Threeneedles, Sarah, 182
Thurston, Judith, 218
Tidd, John, 131, 140
Tidd, Mary, 138, 139, 140
Tidd, Rebecca, 119
Tirrell, Thomas, 88–92, 149
Toothaker, Mary, 79–80, 127
Tower, Thomas, 227
Towne, Peter, 221
Townsend, Martin, 153
Traine, John Jr., 155
Traine, John Sr., 154
Tree, Frances, 236
Tribalism, 3–4, 244–245
Triscott, Elizabeth, 127
Tufts, James, 216–218, 226
Tufts, Mary Jr., 214–215, 216
Tufts, Mary Sr., 214–217
Tufts, Peter, 215, 217
Tushingham, George, 99, 100, 104, 106
Twombly, Robert, 7
Typology (biblical): Joseph and Potiphar's wife as, 53–57; David and Bathsheba as, 57–58; Tamar and Amnon as, 59–60. *See also* Bible

Ulrich, Laurel, 3

Vining, John, 186–189, 190
Vinton, Sarah, 64, 65, 66, 227

Wade, Jonathan, 24, 25–26
Waite, John, 233–234
Walker, Samuel, 118–119
Walker, Sarah, 118–119
Wall, Helena, 4
Warning out. *See* Legal residency
Warro, Daniel, 14, 15–20, 42, 50, 221
Warro, Jacob, 25
Warro, Maria, 25
Warro, Sylvannus Jr., 22–24, 27
Warro, Sylvannus Sr., 14, 18, 20–27, 48, 50
Waters, Thomas, 125, 126, 150
Webb, Daniel, 69
Webb, Joseph, 42
Webster, Abigail, 171
Wells, Elizabeth, 66, 213–218, 226, 234
Wet nurses, 167–168, 237
White, Elias, 82
White, Mary, 82, 170
White, Susannah, 234
White, William, 150–151
Whitmarsh, Hannah, 186–187, 189, 190
Whitmarsh, John, 190
Wigglesworth, Michael, 103–104
Wilkinson, Thomas, 54, 79, 127
Willard, Samuel, 210
Williams, John, 62, 64
Wilson, Paul, 89, 91, 266n48
Winthrop, John, xii, 193
Woodward, John, 63, 64
Woodward, Susannah, 63, 66, 96–97, 226, 233–234
Wright, Lydia, 62, 64
Wright, Samuel, 62, 64
Wyman, Bathsheba, 130
Wyman, Francis, 118–119, 137, 222, 231–232
Wyman, John, 118, 135, 136, 137
Wyman, Joseph, 232

Young, Alfred, 207

Zipporah (free black servant), 191–208